

3921. By Mr. LAMNECK: Petition of the board of directors of the Columbus Fruit and Vegetable Cooperative Association, Inc., Columbus, Ohio, an organization representing many truck gardeners in the Twelfth Congressional District, protesting against the passage of Senate bill 69, the train-length bill, because they feel that it is highly discriminating to agriculture and will work a tremendous hardship on the railroad companies; to the Committee on Interstate and Foreign Commerce.

3922. By Mr. MERRITT: Resolution of the Amsterdam Post, No. 55, of the Veterans of Foreign Wars, endorsing House bills 2904, 8690, and 8729; to the Committee on War Claims.

3923. Also, resolution of the Alamo Community Club, of Queens County, N. Y., unanimously protesting against the proposed shift of the Bureau of Naturalization from Queens to Brooklyn; to the Committee on Immigration and Naturalization.

SENATE

TUESDAY, FEBRUARY 1, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, January 31, 1938, was dispensed with, and the Journal was approved.

CALL OF THE ROLL

Mr. LEWIS. As there seems to be the absence of a quorum, I ask for a roll call.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Holt	Nye
Andrews	Clark	Hughes	O'Mahoney
Ashurst	Connally	Johnson, Calif.	Pittman
Austin	Copeland	Johnson, Colo.	Pope
Bailey	Davis	King	Radcliffe
Bankhead	Dieterich	La Follette	Reynolds
Barkley	Donahay	Lewis	Russell
Berry	Duffy	Lodge	Schwartz
Bilbo	Ellender	Logan	Schwellenbach
Bone	Frazier	Loneragan	Sheppard
Borah	Gerry	Lundeen	Smathers
Bridges	Gillette	McGill	Smith
Brown, Mich.	Glass	McKellar	Thomas, Okla.
Brown, N. H.	Guffey	McNary	Thomas, Utah
Bulkeley	Hale	Maloney	Townsend
Bulow	Harrison	Miller	Tydings
Burke	Hatch	Milton	Vandenberg
Byrd	Hayden	Minton	Van Nuys
Byrnes	Herring	Murray	Wagner
Capper	Hill	Neely	Walsh
Caraway	Hitchcock	Norris	Wheeler

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] is absent because of illness.

The Senator from Oklahoma [Mr. LEE] and the Senator from Louisiana [Mr. OVERTON] are absent because of colds.

The Senator from Georgia [Mr. GEORGE] is unavoidably detained from the Senate.

The Senator from Florida [Mr. PEPPER] and the Senator from Missouri [Mr. TRUMAN] are absent on important public business.

The Senator from Nevada [Mr. McCARRAN] is detained in his State on official business.

The Senator from California [Mr. McADOO] is detained in one of the departments on matters pertaining to the State of California.

I ask that this announcement stand of record for the day.

Mr. AUSTIN. I announce that my colleague the junior Senator from Vermont [Mr. GIBSON] and the Senator from Minnesota [Mr. SHIPSTEAD] are necessarily absent from the Senate.

The VICE PRESIDENT. Eighty-four Senators have answered to their names. A quorum is present.

SUPPLEMENTAL ESTIMATE—NEW BUILDING FOR THE WAR DEPARTMENT (S. DOC. NO. 136)

The VICE PRESIDENT laid before the Senate a communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department, fiscal year 1939, for site and construction of building or buildings for the War Department in the District of Columbia, amounting to \$3,000,000 (within a total limit of cost of \$26,000,000), which, with the accompanying paper, was referred to the Committee on Appropriations and ordered to be printed.

INTERIM REPORT OF UNITED STATES HOUSING AUTHORITY

The VICE PRESIDENT laid before the Senate a letter from the Administrator of the United States Housing Authority, transmitting, pursuant to law, an interim report on the work of the Authority for the period from its inception through December 31, 1937, which, with the accompanying report, was referred to the Committee on Banking and Currency.

REPORT OF POTOMAC ELECTRIC POWER CO.

The VICE PRESIDENT laid before the Senate a letter from the president of the Potomac Electric Power Co., transmitting, pursuant to law, the report of the company for the year ended December 31, 1937, which, with the accompanying report, was referred to the Committee on the District of Columbia.

REPORT OF WASHINGTON RAILWAY & ELECTRIC CO.

The VICE PRESIDENT laid before the Senate a letter from the president of the Washington Railway & Electric Co., transmitting, pursuant to law, the report of the company for the year ended December 31, 1937, which, with the accompanying report, was referred to the Committee on the District of Columbia.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a letter in the nature of a memorial from the L. & L. Auto Delivery & Trucking Co., Inc., of New York City, N. Y., signed by Morris Liebowitz, president, remonstrating against the pick-up-and-delivery freight service maintained by railroads on account of its alleged excessive cost to railroad companies, which was referred to the Committee on Interstate Commerce.

Mr. CAPPER presented a resolution adopted by Earl C. Gormley Post, No. 45, American Legion, of Junction City, Kans., favoring the enactment of the bill (S. 25) to prevent profiteering in time of war and to equalize the burdens of war and thus provide for the national defense and promote peace, which was referred to the Committee on Finance.

Mr. WALSH presented a resolution adopted by the Northbridge Taxpayers' Association, Inc., Whitinsville, Mass., favoring reduction of taxes and the balancing of the Budget through retrenchment rather than by the imposition of further taxation, which was referred to the Committee on Appropriations.

Mr. HOLT presented papers in the nature of petitions from members of the Polish National Alliance Group, No. 1504; the Sheet Mill Unit of the Weirton Steel Employees' Security League; and the Dodecanesian League of America, all of Weirton, W. Va., praying for an investigation of the National Labor Relations Board, especially with a view to determining whether the Board has violated that portion of the Constitution known as the Bill of Rights, which were referred to the Committee on Education and Labor.

NEGOTIATION OF TRADE AGREEMENT WITH GREAT BRITAIN—DUTY ON LEAD

Mr. ASHURST. Mr. President, for many years I was an inveterate sinner in the matter of having printed in the RECORD various documents and letters. I have reformed during the last few years, as the Senate will note, but I believe that resolutions adopted by the legislature of a State or official communications from the Governor of a State should have a place in the CONGRESSIONAL RECORD. I therefore ask unanimous consent that there be read at the desk a tele-

gram I have received from the Governor of the State of Arizona.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the telegram will be read.

The Chief Clerk read the telegram, as follows:

PHOENIX, ARIZ., January 31, 1938.

HON. HENRY F. ASHURST,
United States Senator, Washington, D. C.:

It has been called to my attention that a proposal to decrease or eliminate the duty on lead will be discussed in negotiating the reciprocal trade treaty with Great Britain. You realize that lowering of the tariff rate with Great Britain would lower it with other nations with which we have a favored-nation treaty. Such an act would ruin the Arizona lead-mining industry. Arizona produced more than 25,000,000 pounds of lead last year. Lead production under the present tariff regulation or a higher regulation will be one of the important future resources of the State. I wish to protest any move which will endanger the Arizona small mining operator. I ask that you enter this protest with the Department of State and that you watch the situation so that Arizona's lead industry and associated mining activity may be protected. May I have copies of your future correspondence on this matter, please? Best regards.

Gov. R. C. STANFORD.

Mr. ASHURST. Mr. President, I take this opportunity to say that I agree with the Governor of Arizona in his conclusions as to the baleful effects it would have upon the State of Arizona if any such reciprocal trade agreement were entered into. It is unnecessary for me to say that I am in favor of high protective tariffs, particularly at this time; and in due course I shall lodge with the Secretary of State a protest against the negotiation of any reciprocal trade agreement which might have the effect of lowering tariffs on lead.

Mr. KING. Mr. President, let me assure my dear friend from Arizona that I think the alarm expressed by the Governor of Arizona in the telegram is unwarranted. I have had several conversations on this subject with the State Department; and I think the lead miners—and my State is a lead State, as well as is Arizona—need have no concern.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BORAH:

A bill (S. 3356) to amend section 78 of chapter 231, Thirty-sixth United States Statutes at Large (36 Stat. L., sec. 1109), relating to one judicial district to be known as the District of Idaho, and dividing it into four divisions, to be known as the northern, central, southern, and eastern divisions, defining the territory embraced in said divisions, fixing the terms of district court for said divisions, requiring the clerk of the court to maintain an office in charge of himself or deputy at Coeur d'Alene City, Idaho, Moscow, Idaho, Boise City, Idaho, and Pocatello, Idaho, and to authorize the United States District Court for the District of Idaho, by rule or order, to make such changes in the description or names to conform to such changes of description or names of counties in said divisions as the Legislature of Idaho may hereafter make; to the Committee on the Judiciary.

By Mr. LOGAN:

A bill (S. 3357) to regulate the hours of duty in the Federal Service, and for other purposes; to the Committee on Civil Service.

A bill (S. 3358) to provide for the appointment and promotion of substitute postal employees, and for other purposes; to the Committee on Post Offices and Post Roads.

By Mr. TYDINGS:

A bill (S. 3359) for the relief of the Fidelity Trust Co., of Baltimore, Md., and others; to the Committee on Claims.

By Mr. WALSH (by request):

A bill (S. 3360) for the relief of George A. G. Dearborn; to the Committee on Naval Affairs.

By Mr. KING:

A bill (S. 3361) providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures and of the uses of land in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HAYDEN:

A bill (S. 3362) to revise the boundary of the Grand Canyon National Park in the State of Arizona, to abolish the Grand Canyon National Monument, to restore certain lands to the public domain, and for other purposes; to the Committee on Public Lands and Surveys.

THE LAW ON RADIO PROGRAMS (S. DOC. 137)

Mr. BONE. Mr. President, I ask unanimous consent to have printed as a Senate document the articles I send to the desk, which were published in *The George Washington Law Review*, issue of January 1937. They relate to the broadcasting of radio programs in the public interest, convenience, and necessity, and also cover the general question of libel on the radio. I think the articles will be intensely interesting to every Member of the Senate and probably to 99 percent of the lawyers of the country. They are well documented and thoroughly annotated. The articles were prepared by Andrew G. Haley, senior counsel of the Federal Communications Commission.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

MERCHANT MARINE AND LABOR—ADDRESS BY SENATOR THOMAS OF UTAH

[Mr. COPELAND asked and obtained leave to have printed in the RECORD a radio address delivered by Senator THOMAS of Utah on Monday, January 31, 1938, on the subject *The Merchant Marine and Labor*, which appears in the Appendix.]

FOREIGN POLICY OF THE UNITED STATES—ARTICLE BY JAMES MORGAN

[Mr. WALSH asked and obtained leave to have printed in the RECORD an article by James Morgan, entitled "Why We Have No Foreign Policy in America," published in the *Boston (Mass.) Sunday Globe* of January 16, 1938, which appears in the Appendix.]

LITTLE AMERICANISM—ADDRESS BY ROBERT H. JACKSON

[Mr. SCHWELLENBACH asked and obtained leave to have printed in the RECORD an address on the subject of Little Americanism, delivered by Robert H. Jackson, Assistant Attorney General of the United States, before the New York Press Association at Syracuse, N. Y., January 28, 1938.]

OPINIONS OF UNITED STATES SUPREME COURT IN LABOR BOARD CASES

[Mr. WAGNER asked and obtained leave to have printed in the RECORD the opinions of the Supreme Court of the United States in the cases of *Myers et al. v. Bethlehem Shipbuilding Corp., Ltd.*; *Myers et al. v. Charles MacKenzie et al.*; and *Newport News Shipbuilding & Drydock Co. v. Bennett F. Schauflyer*.]

NATIONAL HOUSING PROGRAM—CONFERENCE REPORT

The Senate resumed consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8730) to amend the National Housing Act, and for other purposes.

The VICE PRESIDENT. Last evening, when the Senate took a recess, the Senator from New York [Mr. COPELAND] had the floor. The Chair thinks he should recognize the Senator from New York this morning.

FOREIGN POLICY OF THE UNITED STATES

Mr. PITTMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Nevada?

Mr. COPELAND. I yield to the Senator from Nevada.

Mr. PITTMAN. I was occupying the chair yesterday at the request of the Vice President when the distinguished Senator from California [Mr. JOHNSON] made certain remarks in regard to our foreign policy.

In advance, I wish to say that there is no Senator in this body for whom I have a higher regard than I have for the Senator from California; and I am quite in accord with him with regard to his observation to the effect that the Senate should be constantly advised with regard to foreign matters of a serious nature. I think our Government has a

very distinct foreign policy, however, and I know of no recent divergence from that policy. I should be very much disappointed if there were any divergence from it.

When the President of the United States first entered office he announced what I consider the fundamental foreign policy of our Government—noninterference and nonintervention in the affairs of other governments. I know of no instance so far of that policy being violated.

I realize that occasionally expressions from statesmen of foreign governments, attempting to lead our Government into a different policy, have caused uneasiness in the minds of some of our public men in this country. Recently a statement was made by a distinguished statesman of Europe who has visited our country and who has possibly a semi-official position among certain governments that might cause very serious consideration and concern.

However, I call attention to the fact that the Secretary of State gave public expression to his views with regard to the matter which, in my opinion, are quite reassuring. I wish to take issue with the statement that our Government has no foreign policy. I think the foreign policy which has been announced, that our Government will not interfere or intervene in the domestic relations of any other government, is absolutely fundamental, and I believe that so far everyone speaking authoritatively for our Government has kept within that line.

That is all I desire to say on the subject.

Mr. JOHNSON of California. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from California?

Mr. COPELAND. I yield.

Mr. JOHNSON of California. I thank the Senator from Nevada for so clearly defining the foreign policy of the United States. After listening to him no man can be in doubt as to the foreign policy of the United States, and of the President, and of the Secretary of State. He has made crystal clear that policy. But let me ask him whether the policy he suggests is the policy of the speech at Chicago of the President of the United States or whether it is the policy of which this morning the Senator speaks.

The Senator says the policy of the Secretary of State has continuously been noninterference with any country under any circumstances. What does it mean when the President speaks at Chicago and says that nations that are inhuman or brutal should be "quarantined"—"quarantined!"—and the press at the time stated that the office of the Secretary of State was at work for a week finding the appropriate word for use by the Commander in Chief? The appropriate word was found to be "quarantined"—"quarantined!"—and when that word was used by the responsible head of the Nation, what was meant? Only one thing could be meant. And then, pursuing that firm policy, that determination by which we would make it clear to every Nation that was not doing right that we would "quarantine" it if it did wrong under any circumstances, we sent our peripatetic Ambassador over to Belgium, there to meet with various other gentlemen, and there to do—ah! to do or die! They sat there at Belgium, and they made clear to the world just exactly what was the foreign policy of the United States and the foreign policy of the world, and when they got through, with no substantial answer and no word of any sort or any kind or any character, we were in the pusillanimous position of having threatened a country and not carrying the threat into effect.

I asked yesterday—and I ask today—what is the foreign policy of the United States? I ask it because I am gravely concerned over some events that are happening today in this country, and I am concerned over what may happen in the future; and because of that concern, solely because of this country and this country's fate, I ask today, as I asked yesterday, what is the foreign policy of the United States?

Mr. PITTMAN. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Nevada?

Mr. COPELAND. I think perhaps I had better yield the floor if this debate is to continue.

The VICE PRESIDENT. The Senator may retain the floor if he desires to do so. The Senator from New York realizes, however, as other Senators do, that we are back to normalcy now in the Senate, and he may yield and still keep the floor. [Laughter.]

Mr. COPELAND. Very well; I yield.

Mr. PITTMAN. Mr. President, I am sorry the Senator from California had just left the Chamber and was temporarily absent when I started to speak. I wish again to assure him that I have the highest admiration for him, and in no sense was criticizing what he said yesterday. The discussion arose on a different matter entirely.

I agree with the Senator from California that the Senate has a function to perform in respect to foreign affairs, and it is well that it be advised with regard to them in advance of required action. I took issue with the statement often made on the floor—and repeated by the distinguished Senator from California—that our Government has no foreign policy.

Mr. President, I do not think a foreign policy may be determined by an attempted analysis of one word. All of us I think sometimes in haste use a word that is subject to a different interpretation than that intended by the speaker. That is why we sometimes correct our remarks in the Record.

I am not dealing with the word "quarantine," or the word "ostracism," which I used in an interview. I am dealing with the actions of our Government. The President in 1933 definitely laid down what the policy of this Government would be under his administration when he announced the policy of noninterference and nonintervention in the local affairs of other governments. Without regard to statements which have been made, I assert that that policy has been maintained absolutely and scrupulously by our Government.

The affair which called forth the remarks of the President in Chicago, to which the Senator from California has alluded, was a very painful matter to all of the people of our country. I know what the sentiment of the people of this country was and is with regard to violation of the treaties to which the President referred. I know the sentiment of the world condemned the violation of those treaties. The natural instinct of our people and of our Government would have been to resent it; but the Government did not resent it, because if it had, that would have been a violation of our policy of nonintervention, of noninterference. It would have been a violation of the policy of this Government established by the Congress of the United States and approved by the President in the so-called Neutrality Act.

There is a distinction between what a government may do diplomatically and what a people may do with propriety. The government of a country cannot aid one of two warring powers, or resist one of the warring powers, without being guilty of an unfriendly and unneutral act and thereby becoming involved, and involved to an unlimited extent; but the people of a country may express their resentment and condemnation in any legal way they choose to adopt, and therefore our people may ostracize a criminal violator of a treaty to which this country is a party and quarantine the sale of his goods in our country. "Quarantine" is a medical term, which might have been used and successfully explained by the Senator from New York [Mr. COPELAND], who is a distinguished physician. I did not make use of the term "quarantine." The old term "ostracism" is better understood by me. I am informed, however, that "quarantine" has many degrees of definition and is not synonymous with "blockade."

I wish to say now that I approve every act our Government has taken in its foreign policy. I am not endorsing language, I am not endorsing words, because language and words are the feeble expression of our thoughts and sentiments.

I wish we could be perfectly fair and clear in our statements with regard to the foreign policy of this Government. I do not think it is well to play on words. We have not entered into any combination with any foreign country looking to any kind of defense of this country, any kind of defense of any other country, or any military aid to any other

country. There is no act of any authoritative officer of our Government indicating such action.

Mr. JOHNSON of California. Mr. President, will the Senator yield?

Mr. PITTMAN. With pleasure.

Mr. JOHNSON of California. Does the Senator speak by the book in saying that?

Mr. PITTMAN. I do not know what the Senator means by the expression "by the book."

Mr. JOHNSON of California. I mean, does the Senator speak with authority?

Mr. PITTMAN. I speak for myself, as the Senator from California speaks for himself. If the Senator means to ask whether I am authorized to speak for anyone except myself, I admit that I am not.

Mr. JOHNSON of California. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from California?

Mr. COPELAND. I yield.

Mr. JOHNSON of California. The Senator from Nevada and I will have no personal quarrel, of course, over a matter of this sort. I think both of us feel the same. Each of us feels that in a crisis such as that confronting the world today, and particularly our country, the Senate of the United States, the Committee on Foreign Relations, if you please, is entitled to know what plan is being pursued, if any plan is being pursued.

I cannot follow the Senator when he says that no attention will be paid to words which are used. If the responsible head of a nation says in certain words that he will do a certain thing, we cannot lightly pass those words over and say they are mere words that are spoken by some individual to which no attention should be paid. Remember, it was the responsible head of our Nation who talked of "quarantining" another nation. Whether he was right or whether he was wrong does not enter into the question, but when he was willing to "quarantine" another nation he should have been willing to go through with that "quarantine," for no man should utter a threat unless he is willing to carry it out. One of the things I learned earliest in life was never to threaten, and one of the things the head of any nation should learn early in his career is never to threaten another nation; but if he threatens, he should go through with it, and if he cannot go through with it, then, of course, he should explain to his people why the mistake was made and the circumstances under which it was made.

If the President says he will "quarantine" any nation which does wrong or is an aggressor, then he must go through, I insist, and if he does not go through, he leaves us in a position which permits any man to inquire, What is the foreign policy of the United States?

Mr. LEWIS. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Illinois?

Mr. COPELAND. I yield.

Mr. LEWIS. I intrude myself at this moment to invite attention to the fact that the Senator from Nevada [Mr. PITTMAN], the eminent chairman of the Committee on Foreign Relations of the Senate, and my excellent fellow member of that committee, the distinguished senior Senator from California [Mr. JOHNSON], are both right within the sphere of their construction, but I make bold here in this assemblage to say that the reason for all of this confusion has not arisen from any expression of the President of our country, or, to use the words of the able chairman of the Committee on Foreign Relations, of the people. It has arisen because there are certain officials of foreign nations who for years have seemed to feel it was a duty they owed to civilization to interpret the expressions of the United States, then to define them, not from the point of view from which they should be rightfully understood, but as such would seem to bear a support of the undertaking of those foreign governments and their presumed policy on some specific subject then pending.

Let me illustrate in a word. When the question arose as to sanctions to be applied to Italy in entering Ethiopia, in

other words, the question of refusing to furnish Italy with any form of supplies as punishment, then rose eminent seers and philosophers, who came to our aid by giving intelligence to our blunted expressions, and announced that the United States was in "sympathy"—I use the exact words uttered by the spokesman at the time in behalf of a foreign government—that the United States was in sympathy with the policy of the sanctions. This was reannounced by voices from the League of Nations. The eminent official making the declaration stated he had made this observation upon some form of authority.

This clearly, it can be seen, would force us at once into an unneutral position, violative of the policy which the chairman of the Foreign Relations Committee has assumed and asserted was and is now that of the President.

There was never at any time emanating from this Government any statement to justify that voluntary intrusion of an audacious expression on the part of this eminent leader of a foreign country. But it awakened, in the meantime, let me add, sir, something of a feeling, and in many cases something of an expression of resentment, by Italy, and on the part of Italian-American citizens in the United States.

The able Senator from California now makes an allusion to someone to whom he refers as assuming to act for the United States somewhere, somehow. Shall we not recall that someone who did assume to act for the United States stated in a public place in Europe that if any country became involved in a conflict with another we would enter at once into consultation in respect to the conduct of those nations, and thus we would invite what was called a consultative pact, and we would decide who was aggressor? From that time on we were held up by these eminent officials in Europe, and those who sought to interpret our views as they gave them their construction, as being prepared, at the invitation of foreign nations, to join into a consultation with them to adopt a conclusion as to how we should act as advised by them.

Finally the Senator from California makes an appropriate allusion, in my judgment, to what transpired at Brussels. I may be pardoned for saying that at that time I was serving a governmental mission at Berlin, around the corner from Brussels. In all Europe there arose suddenly the deliberate charge from foreign officials, because of certain statements made and given to the public, that we had entered into an understanding to go to Brussels and sit there to punish a certain nation. It was charged that after we had called the nations to sit down at a peace table we would assume, said this eminent representative of the foreign nation, first to convict the individual or the nation, and then summon that individual or nation to judgment under the name of a conference for peace and equality.

It was very natural, Mr. President, I assert to my eminent colleagues, that there should have arisen some confusion everywhere, anywhere, as to what would be the policy of this Government if in the execution of that policy we were to be dictated to by foreign powers to serve their particular interests in a particular occasion which might arise.

For this reason, sir, I join with my eminent colleagues in saying that the foreign policy of our country is well to be stated when it can be stated by our officials, but we deny the right of the officials of any other foreign government to interpret the policy of this Government in their behalf and to their service, without the consent of America.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Idaho?

Mr. COPELAND. Mr. President, I know this matter is of keen interest, and believing that it should be discussed fully, I am entirely satisfied to yield until the completion of the debate on this subject.

Mr. BORAH. Mr. President, knowing as I do the relationship of the chairman of the Foreign Relations Committee to the administration, and particularly to the State Department, I heard his statement with very keen gratification.

But we are being placed in an attitude toward the other nations of the world which seems to me to need clarification. We are being charged throughout the world with having formed an alliance or alliances.

The Secretary for Foreign Affairs of Great Britain, speaking in the House of Commons a short time ago, and discussing the relationship of Great Britain to the United States, stated, in substance that we—that is, Great Britain—have no actual treaty with the United States, but we have an understanding or relationship, and daily we are in consultation with reference to our foreign policy; and when asked what was that relationship, he stated that he could not reveal it. I do not quote his exact language, but I quote it in substance sufficiently to be entirely correct as to its import.

Mr. President, I regard that statement as most unfortunate. It gave the world to understand that the United States and Great Britain had a working alliance or working relationship with reference to the eastern question particularly, and that it was of such a nature that it must be kept a secret.

Preceding that statement Great Britain had announced a great naval building policy. Succeeding the statement the United States announced a great naval building policy. And, taking the statement in connection with what had preceded and what followed, the nations of the world, practically without an exception, reached the conclusion that the United States and Great Britain are in tacit alliance and are building navies in accordance with that foreign policy. I venture the opinion that view is generally entertained upon the part of all the leading nations. I say it was a most unfortunate statement, and it ought not to be permitted to remain unanswered.

I recall also that last summer the late distinguished ambassador to Great Britain, Mr. Bingham, stated in a public speech that in the next conflict Great Britain and the United States would have man for man and ship for ship fighting side by side.

Mr. President, such statements inevitably cause the other nations of the world to understand that we have a foreign policy based upon a particular relationship with the British Nation, and when they look about and see that we are building a Navy the like of which has never been known in time of peace, they reach but one conclusion. What is the result? Since these announcements have been made every naval nation in the world has set about to increase its navy, building for preparation, as they say, in defense of themselves. What is the result? The world has practically gone mad over the proposition that these powerful nations are building for a specific purpose.

Mr. President, I must make another reference. Lately we had visitors from Great Britain. It is a most extraordinary thing, it seems to me, for prominent people from the British Empire to come to the United States and spread their propaganda to the effect that there can be no such thing as peace in the world except through a combination and a complete working alliance and understanding between Great Britain and the United States.

I do not at this time discuss the reasons why that alliance is desired or if it cannot be had why it is desired upon the part of Great Britain to have it appear that such alliance exists. That must be apparent to all who are familiar with the conditions in Europe and in the Orient. But we want no alliance, open or secret, written or oral, and furthermore we do not want the world to think we have any such alliance.

All these things cannot be whistled down the wind. They are what make foreign policy. They are the things which put nations into action. They are the very things that brought on the World War; one nation putting forth its program, and another nation putting forth a program to meet that program; and very soon we are in the midst of war by reason of these misunderstandings.

I do not for a moment challenge the statement of the able Senator from Nevada that our policy is what he said is in the mind of the Government, but I say that if these things are permitted to continue, and public opinion throughout the

world is organized upon that basis, our policy will be affected by it, in spite of anything that we may do.

Mr. PITTMAN. Mr. President, will the Senator yield to me?

Mr. COPELAND. I yield to the Senator from Nevada.

Mr. PITTMAN. The Senator from Idaho has brought to bear upon the subject of our foreign policy another act of our Government, and that is the preparation for defense. In his own mind he connects it with the preparation for defense in Great Britain. In my mind I see no such relation whatsoever.

The statement to which the Senator from Idaho referred, was made by a foreign statesman only recently with regard to a specific incident in China in which both the United States and Great Britain had suffered similar outrages. I know that the defense policy of Great Britain was started 2 years ago. I know that our enlarged Navy policy has developed only in the last few months. If we are to be in alliance with Great Britain or any other great naval power, then our defense requirements are that much less. But the very fact of our policy, not only well established by our Government but by the people of this country, that we will enter into no military alliances either for offense or defense makes the necessity for our own defense the greater.

Even Great Britain was tardy in starting its naval program. Already Japan, Italy, Germany, and other governments had been building feverishly to their financial and physical limits—yes, beyond their financial limits.

We have no financial limits in the same sense.

There is today no naval power in the world strong enough to defend its possessions against several other great naval powers in the world. There is today no naval power which can move its naval forces 3,000 miles and conduct a successful naval engagement against any one of several other naval powers. There are two naval powers which, without enlarging their naval forces, could defeat any other naval power anywhere in the world; and the very fact that we are not relying on such a naval alliance necessitates that we prepare without alliance, without assistance from anywhere in the world, to defend ourselves.

We are constantly hearing that we can make plowshares into swords. As a matter of fact, we have the longest coast line in the world, both on the Atlantic and on the Pacific. Modern invention and science, including transportation through the air, have made 3,000 miles but a short distance. These things are known. It is possible to destroy great cities and thousands of men, women, and children in a few hours by means of airplanes, bombs, and poison gas. The time has passed when 3,000 miles of Atlantic and 7,000 miles of Pacific are an impassable barrier. The things to which I refer are scientific facts. The only defense we have, outside of that provided by ourselves, is the morality, the humanity, and the honesty of people who might destroy us. Is there anything in modern times to encourage us to believe in the morality, the humanity, and the honesty of other peoples?

There have never been more than two methods of protection. One is self-protection. The other is through treaties of peace, relying upon the honesty, the morality, and the humanity of the nations with whom we enter into treaties. But have those treaties been respected? Every material treaty has been absolutely violated and wiped out. They mean nothing.

We are hardly at liberty here to discuss the brutality of the wars that are going on in the world today. We are hardly at liberty to discuss the violent, immoral, inhuman disregard of sacred promises under treaties. I do not believe there is a man or woman in this country who, understanding the world situation, will trust to the humanity and honesty of any foreign people to protect the lives of his loved ones. He must be prepared to destroy them if they attempt to destroy him and his family.

My experience through life has taught me to believe that the coward or the bully never attacks anyone he believes will eventually conquer or kill him. I think the cheapest thing this country can do for the sake of our civilization,

for the sake of humanity, and for the sake of the lives of our people is to spend a few billion dollars to warn the world that we alone, without alliance and without assistance from any other country, will destroy any government that attacks us.

NATIONAL HOUSING PROGRAM—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8730) to amend the National Housing Act, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the conference report. The Senator from New York [Mr. COPELAND] has the floor.

Mr. COPELAND. Mr. President, I am glad, indeed, that we have had the debate to which we just listened. As I said a moment ago, I think the country is keenly interested in knowing what is the naval policy and what is the foreign policy of the United States. The little speech I am about to make is of such small importance in comparison with those questions that I am happy I could yield to my able colleagues to debate them.

As I understand, the matter before us is the conference report on the housing bill. It was said on the floor of the Senate yesterday that everybody who votes against this conference report will be voting against the enactment of the bill. I assume that to mean that the purpose of any vote against the conference report is a deliberate attempt to defeat the bill.

Mr. BULKLEY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. BULKLEY. The Senator seems to quote my language. I therefore wish to disclaim the intent which he attributes to it. What I said was that I think a vote against the conference report, in effect, is a vote against the bill, regardless of the intent of anyone who so votes.

Mr. COPELAND. So far as intent is concerned, there are 96 competent witnesses here in the Senate. Each Senator can testify as to his own convictions and intentions. I take second place to no Member of the Senate in the desire to have the housing bill passed. I am not a "Latter-Day Saint" when it comes to the matter of housing and its importance. Twenty years ago I was leading a movement in my city to improve housing conditions in a community in great need of better housing. I have had a more or less active part in every measure seeking to promote housing which has come before the Senate during my term of service. I am for this bill. I want to see it passed.

The particular matter at issue is the question of the prevailing rate of wages for labor. I read in the press this morning a statement to the effect that a group of labor men in Washington had stated, in formal declaration, that I am the enemy of maritime labor.

There could be no more untruthful statement made by any man on the face of the earth. I am the friend of maritime labor. I am the friend of labor in every walk of life. I have said for years that if I were a laboring man I should occupy a front seat at the union deliberations and do my part to bring about collective bargaining; I should be active in all other union activities which make for better living conditions and better wage conditions for American labor.

I am utterly opposed, however, to any leadership of union activity which is devoted to subversive doctrines. I do not care whether they are fascistic or communistic or what not; so long as they are un-American, I am opposed to that sort of leadership. If there are maritime "leaders" so indoctrinated I am distinctly unfriendly to them. As a loyal American I take this stand.

The only way a man who works with his hands can have any of the "gravy" of life is by dealing collectively with his fellows. He must do this to achieve better wage conditions and better living conditions.

We had before us this bill and by an overwhelming vote approved an amendment providing for the prevailing wage. What is wrong about that? What can possibly be wrong

about that? Is this bill merely to be in the interest of the banker and the monopolist, the man who has a corner on building supplies? Is it to be a bill merely to promote the welfare of those groups? Or is it a bill to help labor also? I contend that the latter is the purpose; that it is to be of benefit to labor as well as to the banker and monopolist.

Mr. BARKLEY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Kentucky?

Mr. COPELAND. I yield.

Mr. BARKLEY. If there were any specific conditions existing anywhere in the country calling for any affirmative action on the part of Congress with respect to this matter, there might be some reason for insisting upon the retention of this amendment. But the present Housing Act has been in operation for nearly 4 years, nearly \$2,000,000,000 of private funds have been expended in the repair and construction of houses under the Federal Housing Act, and in no single instance that has ever been brought to our attention has there been any controversy growing out of the administration of the act with respect to wages paid to those who have performed the labor that has been necessary to construct houses and make repairs.

Mr. COPELAND. I am glad to hear that. There can be no harm, therefore, in including the amendment in the bill.

Mr. BARKLEY. Will the Senator yield there?

Mr. COPELAND. I yield.

Mr. BARKLEY. Harm will come of any restrictive proposal or amendment that makes it more difficult to induce people with money to put their money into construction. We have no power over money; we cannot pass a law here to conscript it in time of peace, at least, though I favor a law that will put all Americans on the same equal basis in time of war with respect to their lives and their property. But we have no power to conscript money with which to build houses or to compel those who have money to invest in the building of houses. We are trying to create such a situation that they will be induced to do so, in order to give employment to people, and any restrictive proposal that would cause them to hesitate or to refuse to invest their money in building would certainly be of no benefit to labor.

Mr. COPELAND. Mr. President, I do not follow my leader in his statement. There will not be any trouble in getting money in this day and generation when investments are the most uncertain things in the world, when no man knows when he awakes in the morning whether by nightfall he will be a pauper. If he can find an investment which is going to be guaranteed, if the banker knows when he loans the money that Uncle Sam is back of the loan, there will not be any trouble getting the money.

Mr. BULKLEY. Mr. President, the difficulty is that if the amendment remains in the bill he will never know whether or not Uncle Sam is back of the loan.

Mr. COPELAND. I heard that argument yesterday. I would not think much of the able conferees—and I do think a great deal of them—if they could not rewrite this amendment in such form as to make certain that the terms of the contract would be carried out.

I heard yesterday that 5 years from now or 10 years from now when there is a foreclosure, the guaranty might be destroyed because the prevailing wage had not been paid. As I read this bill itself, there is a provision to guard against such a contingency. There would not be the slightest trouble in any county in my State to ascertain what is the prevailing rate of wages. Though the prevailing rate of wages is a varying thing—very much lower now, I am sorry to say, in some parts of the country than it has been—there are ways of finding out what the prevailing wage is. I know, too, from my conversation with the bankers of my State, that there will be no trouble in getting money for this particular enterprise if this bill shall be enacted into law.

The Senator from Ohio was somewhat sensitive when I quoted what he thought to be his words. I think others uttered them. He was sensitive about it and made the statement, in effect, that if this conference report is defeated

the bill is defeated. Why is it defeated, Mr. President? Time and time again I myself have been in conferences where the question arose as to the attitude of the House and where a particular amendment was sent to the House for consideration. That can be arranged in this instance. If there is a desire on the part of the Congress to pass this bill and to encourage housing, there can be found a way to ascertain the attitude of the House on the prevailing wage amendment.

Mr. BARKLEY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield further to the Senator from Kentucky?

Mr. COPELAND. I yield.

Mr. BARKLEY. The Senate has no power to control the procedure of the other House. This bill went back to the House with this amendment in it. They might have demanded a vote on it at the time, but they did not do so. It went to conference, and the amendment was there eliminated, after long deliberation; the conference report went back to the House, and they could have rejected it for the same reason if they had desired. They did not do so, but by an overwhelming vote adopted the conference report, indicating on two occasions that the House was not worked up over the matter and was not demanding that it be allowed to vote separately on the amendment put in the bill by the Senate.

Mr. COPELAND. Ah, Mr. President, I am familiar with "overwhelming" votes in the House; usually they are the votes of 79 to 8 or some such number as that. But if this matter is placed before the House, I have such respect for the Members of that body and such a hearty belief in their desire to enact a proper housing bill as to believe if the matter is presented to them on its merits and explained to them, that the majority of the House will say, "All right; let us take the amendment." If it should happen that the House rejects the amendment, and then the matter should come back to this floor, so far as I am concerned, I am going to vote for the bill, even if the amendment is defeated. But I want the wage earners, the laborers of this country, to have a chance to have their rights preserved in the law, exactly as the rights of the bankers and those who deal in construction materials will be protected.

Mr. BARKLEY. Mr. President, will the Senator yield?

Mr. COPELAND. I yield.

Mr. BARKLEY. In addition to what I have just said about the action of the House when the bill went back there with the amendment and its action on the conference report when it adopted it, I may state that the House had this bill under consideration for some days, both in committee and on the floor of the House; and I do not attribute to the House such an inferiority below the Senate as to assume that if they had wanted such an amendment in the bill they could not have provided for it when the bill was before the House. But they did not do so. It was not even offered, not even discussed, and now we are asked to reject this conference report in order that the House may have a fourth chance to pass on the question whether it wants this amendment in the bill.

Mr. COPELAND. Mr. President, I do not propose to let any implication of words put into my speech or my mind be any reflection upon the House or an indication of any feeling on my part that there is inferiority on the part of the House. I have great respect for the House. My one regret about my congressional life is that I did not serve first in the House of Representatives. I wish I might have had that great privilege. Those men in the Senate, including my leader, who had the benefit of the experience in the House, have a great advantage over the others of us. But even though I have never been a Member of that great body, I speak of it in the highest terms and am sincere in my expression of regret that I did not have an opportunity to serve over there.

So, Mr. President, what I am arguing is that with, of course, no reflection upon the House—that is not the point—I want this matter presented to the House and explanation

made to the House why we wish to protect labor; why we wish to protect the man who is an electrician or a plumber or a carpenter or a bricklayer or a plasterer. Let it be explained to the House that we are seeking not to promote a monopoly or to erect buildings which are unworthy of the financial support of the Government, but buildings erected by men of training and skill, so that when the loans are endorsed by the United States they will be worthy and worthwhile mortgages.

Mr. President, I have seen too many hastily built houses. I have seen apartment houses put up in the case of which you could almost throw a cat through the cracks in the wall. They were hastily built, improperly built, built by unskilled persons. That is not the kind of buildings we want. It will be a long time before the payments on these mortgages we provide for are completed, and we want the buildings to be still in existence when the mortgages are finally paid.

Mr. McNARY. Mr. President, will the Senator yield?

The VICE PRESIDENT. Does the Senator from New York yield to the Senator from Oregon?

Mr. COPELAND. I do.

Mr. McNARY. I desire to propound a question to the Senator from New York because of the long years of experience he has had in connection with conference reports.

Is it not the usual practice, almost the unbroken practice, that when the Senate, after a vote, places in a bill an amendment which has not been adopted by the House, and the bill goes to conference, the Senate conferees disagree with the House conferees, and the amendment is taken to the House for a vote, so that an expression regarding it may be had from each branch of the Congress?

Mr. COPELAND. The Senator from Oregon is entirely right. His experience is much longer than mine. He knows, as I know, that that has happened a hundred times in his experience.

Mr. McNARY. Mr. President, I have not been a conferee a hundred times; but, if the Senator will bear with me, I recall one illustration which is typical of many.

In 1929 it was my lot to share here with others the control of what was called the Agricultural Marketing Act of 1929. On the floor of the Senate, against my protest, the so-called debenture plan was inserted in the bill as an amendment. I was chairman of the conferees on the part of the Senate and was opposed to the amendment; but we went into conference and we stayed with the amendment and forced the House conferees to take the amendment to the House and have a vote on it there.

That is what I think ought to be the attitude of a conferee who represents this body and represents it in good faith. The result was, after the vote in the House, that the debenture amendment was defeated and we yielded, and that ended the controversy over the debenture. That is the practice, however, and it is the honorable practice which ought to be pursued by conferees representing this body.

Mr. COPELAND. Mr. President, I fully agree with the Senator from Oregon. I remember very well a conference committee upon which I served as a member of the Appropriations Committee. There was not a member of the Senate conferees who believed in a given amendment—not one. All were opposed to it. The amendment had been presented to the Senate and passed upon, however, and had been included in the bill, and we sat in the conference day after day, until finally the amendment was submitted to the House, and favorable action was taken upon it.

That is what I want to see done here, but I desire to make it as clear as words can be chosen to make a statement clear that I want this bill to pass, with or without this amendment. I want it to pass, but I do not wish to have it enacted into law until the other House has had the opportunity we have had to give the matter debate and consideration. Then if the House, in its wisdom, shall decide that it will not accept this amendment, very well; let the bill come back, and we will pass it, and I believe by an almost unanimous vote of the Senate.

Mr. President, when we are setting up machinery to protect the lender of money, to protect the man who is to sell the materials, to protect the real-estate man who is to sell the land, to protect all others involved in the transaction, it is my solemn conviction that labor, the men who work with their hands, should be entitled to the same consideration and the same protection.

Therefore, so far as I am concerned, I shall vote against the conference report.

Mr. MILLER obtained the floor.

Mr. BARKLEY. Mr. President, will the Senator yield to me?

Mr. MILLER. I yield.

Mr. BARKLEY. I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Holt	Nye
Andrews	Clark	Hughes	O'Mahoney
Ashurst	Connally	Johnson, Calif.	Pittman
Austin	Copeland	Johnson, Colo.	Pope
Bailey	Davis	King	Radcliffe
Bankhead	Dieterich	La Follette	Reynolds
Barkley	Donahay	Lewis	Russell
Berry	Duffy	Lodge	Schwartz
Bilbo	Ellender	Logan	Schwellenbach
Bone	Frazier	Loneragan	Sheppard
Borah	Gerry	Lundeen	Smathers
Bridges	Gillette	McGill	Smith
Brown, Mich.	Glass	McKellar	Thomas, Okla.
Brown, N. H.	Guffey	McNary	Thomas, Utah
Bulkley	Hale	Maloney	Townsend
Bulow	Harrison	Miller	Tydings
Burke	Hatch	Milton	Vandenberg
Byrd	Hayden	Minton	Van Nuys
Byrnes	Herring	Murray	Wagner
Capper	Hill	Neely	Walsh
Caraway	Hitchcock	Norris	Wheeler

The VICE PRESIDENT. Eighty-four Senators having answered to their names, a quorum is present.

Mr. MILLER. Mr. President, I shall not impose myself upon the Senate except for a very few moments, but during that time I should like to discuss the pending matter from the standpoint of orderly procedure in the Senate.

The question before the Senate is the adoption of the conference report on the housing bill. The question which has been debated is whether or not the conferees appointed under the rules of the Senate have carried out the wishes of the Senate or have correctly represented the Senate in the conference and in bringing back a report eliminating a certain amendment which was offered in the Senate by the Senator from Massachusetts [Mr. Lodge].

I think that if ever any evidence were needed to sustain the custom of the Senate to debate thoroughly questions presented, we have it today in the consideration of the amendment which has caused a debate for a day already upon the conference report. When the amendment was proposed by the Senator from Massachusetts, it was disposed of on December 21, as we remember, after a consideration by the Senate of probably not over 15 minutes. Then the bill was sent to conference, and I should like to call the attention of the Senate to the attitude of the conferees and the labor they have performed as indicated in the report they have made. The report may not suit us all. Very few conference reports are wholly acceptable. But we are faced with a practical situation if we are to legislate. Legislation is a matter of compromise. I do not suppose any legislation ever was enacted which suited anyone in all points. If so, I have never heard of it.

As I remember, all the conferees representing the Senate in the conference except one voted for the amendment when it was before the Senate, indicating their favorable attitude toward the amendment. Evidently they went into the conference favoring the amendment. I know they went into the conference true to the trust reposed in them by the Senate and made an effort to carry out the wishes of the Senate.

There must have been some impelling reason which causes those Senators—men of experience, men of ability, men who had committed themselves to the amendment—to bring back a report with the amendment eliminated from

the bill. The debate yesterday revealed the motives which prompted the Senators to take that action. I think, unless we have more proof than we have now, that we owe it to the conferees, in the interest of orderly legislation, to adopt the report, and to approve the labors of the conferees.

Suppose the report shall be rejected; in what position will we then be? Certainly we will ask for another conference, under the rules of the Senate, and other conferees will be appointed. Under rule LI we do not instruct conferees.

Mr. McNARY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Arkansas yield to the Senator from Oregon?

Mr. MILLER. I yield.

Mr. McNARY. The Senator is fair in his statement, but if the conference report shall be rejected by a vote of the Senate, it will then be within the rule and the practice to instruct the conferees, and it could be done in the fashion I have suggested, further to insist upon the inclusion of the amendment in the conference report. That is in accordance with the rule of the Senate.

Mr. MILLER. Certainly, a motion is in order.

Mr. McNARY. Exactly.

Mr. MILLER. But without a motion, we merely ask for another conference.

Mr. McNARY. Yes; but the motion will be made. I gave notice that it would be made, and that point will be covered.

Mr. MILLER. Mr. President, as a new Member of the Senate it is not for me to advise the Senate, and I am not undertaking to do so; but we should lodge in our conferees, and I for one am willing to lodge in the men who represent this body in conference, the responsibility of performing the task that is delegated to them by the Senate when they undertake to represent us.

Mr. McNARY. Mr. President, will the Senator yield further?

Mr. MILLER. I yield.

Mr. McNARY. I understand the Senator voted against the amendment, and he now assumes that the conference report is a sacred document, that it should not be touched or modified. If I should assume that to be a correct position, I would favor a change in the rules of the Senate so as to let the conferees write bills. A conference is appointed to bring back a report which can be studied, and that has been done in this case. Frequently reports are sent back for further consideration, because the conferees are only agents of the Senate. Why should the Senator say that, because he does not like this amendment, he wants this report to stand? That is the position and the attitude of my very eminent and lovable friend from Arkansas. I would assume that if he were for the amendment at heart he would be in favor of the report being returned to the conferees for further consideration. It makes a good deal of difference which way one is looking.

Mr. MILLER. Mr. President, I assumed some Senator would raise the question that I voted against the amendment in the beginning. I voted against the amendment because I did not believe it had any proper place in the bill, but, after having heard the debate yesterday, I am more convinced than ever before that my judgment was right in the first place. So far as the merits of the amendment are concerned, I am not at all sure that the able Senator from Oregon would be willing to insert this amendment after a free and full debate upon it, inasmuch as the proposal is that private money shall be loaned, and that a governmental regulation shall be imposed upon its lending.

Mr. McNARY. Mr. President, will the Senator yield?

Mr. MILLER. I yield.

Mr. McNARY. I have no illusions about my state of mind. This matter was before us nearly 3 years ago. It was then labeled the McCarran amendment and later the Russell amendment. I supported it wholeheartedly. So it is an old subject to me, a subject with which I am very familiar, and a proposal I embraced with a good deal of feeling.

Mr. MILLER. I know the able Senator from Oregon has always been an advocate of adequate wages, and I think every Senator realizes the importance of providing adequate wages for laboring men when it is possible, and when it is proper to legislate along that line. We all know that we cannot have a continuing prosperity in this country unless we maintain buying power; we know the importance of that factor. But aside from that question, the point I am trying to emphasize is orderly procedure in the Senate. It is true, as I have stated, that I did not vote for the amendment. I might vote for the amendment after proper debate if it were inserted in a proper bill. I doubt whether there is any Member of the Senate who will go any further than I will go in the enactment of a proper wage and hour bill, or who will do more to protect labor than I will, notwithstanding the fact that some persons have said that the South is opposed to the payment of adequate wages. So far as I know, there is no such attitude of mind in the South. We are ready to meet that question at any time.

In this instance an amendment is superimposed upon a housing bill which contemplates that the money to carry into effect its provisions shall come from private individuals. Do Senators suppose that lending agencies and the communities where the work is to be performed are not interested in their fellow men? Is it the belief of Senators that the prevailing wage will not be paid? Certainly it will be paid. I am unwilling, however, to say that a man cannot undertake to build a thousand- or twelve-hundred-dollar house without having to comply with some regulation announced by the Secretary of Labor in Washington.

If it is desired that the merits of the amendment be debated, I shall be ready to do so. However, I do not care about that particular matter. I think we on this side of the aisle ought to determine now, once and for all, whether or not we are going to conduct the business of the Senate as it ought to be conducted, with orderly procedure, or whether we are going to yield to every influence which may be exerted by pressure groups.

Mr. GILLETTE. Mr. President, will the Senator yield for a question?

Mr. MILLER. I yield.

Mr. GILLETTE. The Senator has referred to orderly procedure. He has also referred to the unquestioned sincerity of the conferees. I should like to ask him if in his opinion it makes for orderly procedure for Senate conferees, as agents of the Senate, to go to a conference with House conferees on a question upon which we have voted favorably 3 to 1, a question on which the House has had no opportunity to vote, the Senate meanwhile assuming its conferees will reject the amendment and come back, after having surrendered the Senate's rights, and ask the Senate to reverse its position?

Mr. MILLER. Mr. President, I do, particularly in a case of this kind, not because this is a labor amendment, not because of the nature of the amendment, but we must remember that the amendment was not presented to the committee which had charge of formulating the bill, that it was offered on the floor of the Senate and was considered for probably 10 or 15 minutes, and was adopted. I know that Senators heard it said, "Adopt it and send it to conference." It went to conference. We have heard the statements of the Senate conferees, including the leader on this side. The conferees have disclosed to the Senate freely the motives which prompted them to bring back this report without the amendment. For my part, I am willing to accept it.

I do not take much stock in the argument which may be made that the Senate conferees did not uphold the dignity of the Senate. When I was in the House I served on conference committees with a number of Senators. I thought they did an excellent job of upholding the dignity of the Senate. I believe that never have I met quite so many obstinate men as the Senators I met in conferences. I am confident from those experiences that the conferees repre-

sented the Senate on the Housing bill did the best they could.

We hear much said about everyone desiring the passage of this housing bill. I voted for the bill when it was originally before the Senate; I expect to vote for it now; I shall vote for the bill if the Lodge amendment is retained in it; but I cannot see why, in the first place, the amendment ought to be in it, and, in the second place, I cannot see why Senators on this side of the Chamber should fail to adopt the conference report, and by their action in failing so to do, say that the conferees did not give the matter consideration. We must admit that the amendment was not considered by the Senate on the floor at the time it was adopted. At that time it was not debated.

Mr. President, that is all I have to say. In the interest of orderly procedure, in the interest of disposing of matters of great importance, of vital concern such as is the housing bill, I think the conference report ought to be adopted, and I for one intend to vote for it.

Mr. VANDENBERG. Mr. President, I desire to submit one brief observation. I am constantly impressed with the statement that the opponents of the prevailing-wage amendment anticipate that the prevailing wage will be paid on the projects undertaken under this bill even though the prevailing-wage mandate is not in the law. I am totally unable to share that view in the face of the fact that the President's message which introduced this legislation to the Senate specifically asserted that costs are too high, and specifically identified labor as one of the elements of cost. In the face, then, of the fact, in addition, that an order to pay prevailing wages has been deliberately rejected by the conferees, it seems to me that the net result of the defeat of the Lodge amendment is actually to invite the destruction of prevailing wages in any degree that the situation may satisfy the contractors and those who are at work upon the problem in the field.

Mr. President, it seems to me, furthermore, that if wages come down in construction work on Government-guaranteed projects, one of two things must happen: Either wages then go down on all other similar construction projects, or all such construction, other than Government-guaranteed projects, will cease.

We have to take one horn of the dilemma or the other. If less than prevailing wages are to be paid upon Government-guaranteed projects, then inevitably less than prevailing wages must be paid upon other projects, or all other projects must cease. So that it seems to me that fundamentally the question is whether wages are to stay up as a whole or whether wages are to go down as a whole. If we want to confront that problem, well and good.

The President of the United States has said in one message that wages must stay up. He says in the message, insofar as it relates to the particular problem we have at hand, that wages may come down. If we approve the conference report as it now confronts us, in my judgment we are agreeing with the message of November 29, which indicates that hourly wages may come down, and we are disagreeing with the subsequent Presidential statement that wages ought to stay up.

So far as I am concerned, interested as I am in this bill, expecting as I do to vote for it ultimately, I assert that it is to the best welfare of the problem to which it is addressed to have another conference assembled to see whether a rule of reason may not be applied to this particular essential factor in the economy of the country.

The PRESIDENT pro tempore. The question is on the adoption of the conference report.

Mr. LODGE obtained the floor.

Mr. McNARY. Mr. President, will the Senator yield to me?

Mr. LODGE. I yield.

Mr. McNARY. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Chavez	Holt	Nye
Andrews	Clark	Hughes	O'Mahoney
Ashurst	Connally	Johnson, Calif.	Pittman
Austin	Copeland	Johnson, Colo.	Pope
Bailey	Davis	King	Radcliffe
Bankhead	Dieterich	La Follette	Reynolds
Barkley	Donahey	Lewis	Russell
Berry	Duffy	Lodge	Schwartz
Bilbo	Ellender	Logan	Schwellenbach
Bone	Frazier	Loneragan	Sheppard
Borah	Gerry	Lundeen	Smathers
Bridges	Gillette	McGill	Smith
Brown, Mich.	Glass	McKellar	Thomas, Utah
Brown, N. H.	Guffey	McNary	Townsend
Bulkley	Hale	Maloney	Tydings
Bulow	Harrison	Miller	Vandenberg
Burke	Hatch	Milton	Van Nuys
Byrd	Hayden	Minton	Wagner
Byrnes	Herring	Murray	Walsh
Capper	Hill	Neely	Wheeler
Caraway	Hitchcock	Norris	

The PRESIDENT pro tempore. Eighty-three Senators having answered to their names, a quorum is present.

Mr. LODGE. Mr. President, a few minutes before the session began today I received a telegram which I desire to read to the Senate:

MIAMI, FLA., February 1, 1938.

Hon. HENRY CABOT LODGE, Jr.,
United States Senate:

Have called upon Legislative Agent Husing to appeal to Members of Senate to reject conference report and insist upon appointment of new committee with instructions to retain prevailing wage rate clause in Housing Act. Urge you read my telegram to Senator WAGNER to Members of Senate. Thanks for your assistance.

WILLIAM GREEN.

I ask unanimous consent to have several other telegrams in the same connection printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

BOSTON, MASS., February 1, 1938.

Senator HENRY CABOT LODGE, Jr.:
Congratulations on your Federal housing amendment bill; best regards.

Councilman VERNON C. NEWMAN,
Malden, Mass.

PORTCHESTER, N. Y., January 31, 1938.

Hon. Senator LODGE,
Washington, D. C.:

Our organization admires your firm stand on your amendment for the prevailing rate of wages on any Government insured building under construction. We urge that you keep up the good work and may God bless you. Is there any way we can help you?

BRICKLAYERS, MASONS, AND PLASTERERS I. U. OF A.,
WESTCHESTER COUNTY EXECUTIVE COMMITTEE,
AMERIGO J. DECHIARA, Secretary.

WOOD, WIRE, AND METAL LATHERS' INTERNATIONAL UNION,
Long Beach, Calif., January 30, 1938.

Senator HENRY CABOT LODGE,
United States Senate, Washington, D. C.

HONORABLE SIR: We, the members and officers of Lathers' Local Union, No. 172, respectively request you to use your every effort to have the new Federal housing bill carry the prevailing-wage clause.

Yours respectfully,

W. R. MOORE,
Secretary, 1231 Locust Avenue, Box No. 9.

WEXMOUTH, MASS., February 1, 1938.

Senator HENRY CABOT LODGE, Jr.:

Am wage earner, home owner, vice president Cooperative Bank, carry life and other insurance; experienced in building, am 62, long practice of sound, sane, honest, doctrines, prompts hearty endorsement of your act. Federal housing bill, which as presented is either unsound, insane, or dishonest; maybe all three. Keep fighting.

JAMES MCLEOD.

PORTLAND, MAINE, February 1, 1938.

Senator HENRY CABOT LODGE, Jr.:

More power to you. I view your fight to force the Government to compete on an equal basis with private industry, if at all, as the greatest thing since the landing of the Pilgrims. Would like to see you carry this idea over into the utility industry.

JOHN M. KIMBALL.

PAXTON, MASS., February 1, 1938.

Senator HENRY CABOT LODGE, Jr.:

Good work on the housing bill; kill it, repeal outright taxes on corporation surpluses; business will then expand with confidence relieving unemployment and needed housing will automatically take care of itself in a healthy manner. Congressmen and Senators should be the leading thinkers of our country; why can't they see these remedies or are they paving the way to buy the election this fall by blocking business recovery and having an excuse to continue W. P. A.?

MARY M. DANIHER.

Mr. SCHWELLENBACH. Mr. President, I wish very briefly to discuss the conference report.

I am rather astonished that a telegram should be sent from the president of the American Federation of Labor asking the Senate of the United States, on behalf of the American Federation of Labor, to remove the Senator from New York [Mr. WAGNER] from representation on a conference committee in connection with a question involving organized labor. If there is one man in public life in this country who has proved his friendship to the cause of organized labor, it is the junior Senator from New York.

Mr. LEWIS. Mr. President, is there such a telegram?

Mr. SCHWELLENBACH. The telegram has just been read by the junior Senator from Massachusetts.

Mr. LEWIS. Mr. President, it cannot be possible that any person not a Member of this body has really sent a telegram demanding that any Senator be removed by the Senate from a particular position of duty, and someone substituted according to the election of that particular person. I did not so understand the telegram. I should regret to hear that such a communication was brought on this floor, and all the more regret that we should sit silently by and not condemn it. If this is Mr. William Green, I can assure the Senate he is a gentleman of too much intelligence and sense of fitness to do such a thing. There must be a mistake in the reading.

Mr. McNARY. Mr. President, there is no reason for feeling to be displayed by the Senator from Illinois. I listened to the reading of the telegram. It asked that the Members of the Senate vote to return the report to conference, that a new committee be appointed, and that the Senator from New York [Mr. WAGNER] be informed. What is wrong about that? That is just what would happen if the report were returned to the conferees.

Mr. LEWIS. If such is the telegram, it is not along the line of the construction that has been given—through misapprehension, I fancy—by the Senator from Washington.

Mr. SCHWELLENBACH. Mr. President, I will read the telegram. There can be no other construction but that Mr. Green asks for the removal of the Senator from New York from the conference committee.

The telegram says:

Have called upon legislative agent Husing to appeal to Members of Senate to reject conference report and insist upon appointment of new committee with instructions to retain prevailing wage rate clause in housing act. Urge you read my telegram to Senator WAGNER to Members of Senate. Thanks for your assistance.

Mr. WHEELER. Mr. President, I must say it does not seem to me to be fair to the Senator from New York to put on the telegram the construction suggested by the Senator from Washington, nor is it fair to the other members of the conference committee.

Mr. SCHWELLENBACH. The Senator from Montana may put whatever construction he desires on the telegram; but the fact is that the Senator from New York is a member of the conference committee, and Mr. Green demands a new committee.

Mr. WHEELER. But he does not ask for the removal of the Senator from New York or anybody else.

Mr. SCHWELLENBACH. He asks for the removal of the Senator from New York and the other members of the conference committee.

Mr. WHEELER. He suggests that a new conference committee be appointed. That is not an unusual thing. It

seems to me the Senator from Washington is doing the Senator from New York an injustice when he says that the president of the American Federation of Labor picks out the Senator from New York and asks that he be removed.

Mr. HARRISON. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. HARRISON. Unless it is a secret, who are the other conferees that Mr. Green seeks to remove?

Mr. SCHWELLENBACH. The other Democratic members are the Senator from Ohio [Mr. BULKLEY], the Senator from Kentucky [Mr. BARKLEY], and the Senator from South Dakota [Mr. HITCHCOCK].

Mr. BULKLEY. Mr. President, I presume the sender of the telegram might include the Republican members of the conference committee, although that is doubtful. The Republican members were the Senator from Delaware [Mr. TOWNSEND] and the ex-Senator from Oregon, Mr. Steiwer.

Mr. HARRISON. He asks for the removal of all the conferees, and asks that new Senate conferees be appointed.

Mr. SCHWELLENBACH. That new Senate conferees be appointed. He says "insist upon appointment of new committee."

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. O'MAHONEY. It is my recollection that when the Chair ruled a few days ago upon the point of order, he held that there was no longer any conference committee representing the House.

Mr. SCHWELLENBACH. That is my understanding. The Chair ruled that there was no longer any conference committee representing the House.

Mr. O'MAHONEY. Is it not conceivable that what Mr. Green meant was not any criticism of the Senate members of the conference committee, but merely to suggest that since there had been a formal ruling that at least a part of the conference committee has ceased to exist, a new committee be appointed, regardless of the membership? I should not interpret the telegram as being a criticism in any degree whatsoever of any member of the committee.

Mr. BRIDGES. Mr. President, will the Senator yield?

Mr. SCHWELLENBACH. I yield.

Mr. BRIDGES. The Senator rather objected to the telegram from Mr. Green referring to the distinguished Senator from New York. The Senator does not seem to object to the other members of the committee being removed, but does object with respect to the Senator from New York. I wondered if there was anything sacred about the Senator from New York being on this committee.

Mr. SCHWELLENBACH. I will answer the Senator by saying that I had started to discuss the various members of the committee whose removal was insisted upon by Mr. Green. Before I had concluded referring to the Senator from New York there were a dozen or more interruptions. I have the same feeling toward the insistence upon removal from the conference committee of any member of the committee. I think the Senate conferees through the years have demonstrated their friendship to the cause of organized labor, and have demonstrated their friendship to the American Federation of Labor. I have not the slightest objection to Mr. Green instructing, by telegraph, his legislative representatives to urge us to vote one way or the other; that is his right; but I do object to Mr. Green insisting that we change our conference committee merely because of the fact that they have made a decision with which he does not agree.

Getting down, Mr. President, to the merits of this discussion, in 1934, as a part of the recovery program of the present administration, the Congress enacted the Federal housing law. We have operated under that act since 1934; we have guaranteed loans of millions upon millions of dollars from one end of the country to the other, and the act under which we have operated during the last 3 years did not contain a prevailing-wage provision.

I think it is a complete answer to those who contend that the failure to include the prevailing-wage provision in the

pending bill would result in the destruction of the wage structure of the country to remind them that we have had a housing law in operation for 3 years, and no one, from one end of the country to the other, has ever contended that there has been any destruction of the wage structure because of the lack of a prevailing-wage provision.

I advocate the prevailing-wage idea; I voted for the prevailing-wage provision in the 1935 Relief Act; I voted for it despite, as Members of the Senate will recall, tremendous pressure to vote against it. Under the appropriation contained in that act, the Government fixed wage standards throughout the country; it fixed them by paying a certain wage to a very large number of our people. I thought at that time, as I still feel—and the administration recognized it after the act was passed—that it was necessary to have in that act a provision which would make it impossible for the Government to undermine the wage standards of the various localities of the country. But this is an entirely different situation, and, with all due respect to the leaders of organized labor, I feel that they have a complete misconception and that the inclusion of this amendment in the bill would do more to hurt their members than anything we could possibly do in reference to the bill. After all, the purpose of this bill is to create such a situation that money will be loaned for housing in order that labor may be provided, in order that we may again start the wheels of industry. If we put into this measure a provision which will make it difficult, if not impossible, to operate under the Housing Act, then we are going to deprive members of organized labor in whom Mr. Green is interested, members of organized labor who belong to his organization, and all other laborers in this country of an opportunity to derive any benefit as the result of the passage of the bill.

Why is it necessary for the Government to guarantee the loans in order to have houses built? Bankers and savings and loan associations have the money with which to make the loans. A Government guaranty is not needed. They can make the loans upon the basis of the security of the houses. Through the years they have made loans upon such a basis. But, day in and day out, we are being told, particularly those of us who believe in the efforts of the present administration, that the financial interests of this country have a fear, and that the reason why it is necessary to adopt and expand the housing program, the reason why it is necessary to increase the percentage the Government will guarantee, the reason why it is necessary to increase the length of time for amortization, is that financial institutions, without this act, are not making loans because they are afraid of the security of their investments. Since we are proposing to pass an act for the specific purpose of removing that fear by giving to those financial institutions a guaranty, do we want to inject into the method by which we make the guaranty a new provision which will create a new fear? I do not sympathize with much of the fear that is prevalent in the country; I think it is unfounded; I think it has no basis whatsoever; but we must recognize the fact that it does exist, and the efforts of the administration, through this bill, have been to allay it to a certain extent.

How do we add a new fear? Lawyers in this body are familiar with the frailties and the tenuousness of a guaranteed contract. They know how easy it is for a guarantor to avoid the payment of his contract if there has been any change in the situation so far as the person who made the loan is concerned. This amendment says that the banker who makes the loan when he receives a guaranty from the Government will not receive an outright guaranty, will not receive a bond which must be paid, but he will receive a guaranty which will be good if it is proved that in the construction of the houses the prevailing wage was paid.

Immediately there arises the difficulty of finding out what the prevailing wage is. I agree with what was said yesterday that that question may be determined, but there arises also the difficulty of having proof as to whether or not a particular contractor paid the prevailing wage. Then there is the difficulty that when foreclosure upon the mortgage

occurs and the man who has made the loan turns to his guarantor, the United States Government, the disbursing officer of the United States Government then must furnish proof which will satisfy those who audit the accounts that the prevailing wage was paid. Furthermore, there remains always in the minds of those for whom we are writing this law in order that we may give them protection, in order that we may induce them to loan the money, the fact that it may be possible 4 years, 5 years, or 10 years from now for some auditor auditing the accounts of the Federal Housing Administration to insist that certain standards of proof be met, and that the guaranty will not be carried out. The whole purpose of this bill is to induce bankers and savings and loan associations to enter into a housing program and to furnish money, and yet it is sought to put into the proposed act a provision which will destroy the confidence which we try to instill in them by the passage of the measure.

The Senator from Michigan [Mr. VANDENBERG] a few moments ago talked about the message of the President and about lowering wages. I do not think a true analysis or consideration of that message to the slightest degree means that the President wants a lowering of wages. We must come to a realization in this country that there is such a thing as a real wage and that is the thing for which those who are interested in the cause of labor must work. It does not do any good to have a high wage for 3 months out of the year and no work the remainder of the year, and if by having a high wage for 3 months out of the year we would make it impossible for a man to work the remaining 9 months of the year, we would be doing him no good.

I realize what pressure has been brought upon this bill; I have been deluged with telegrams from my own State, but there are times when those who are in charge of legislative programs on the outside simply do not appreciate what is good for their members; they do not realize the effect of that for which they ask, and if there ever was a time when organized labor has come before Congress and asked for something which would definitely strike at the benefits and desires of their own members it is the effort upon the part of the American Federation of Labor to insist upon this amendment.

If we are going to have a housing program, we must have it as the result of the confidence which we create by the fact that the Government guarantees the loans. I see no value, but I see a positive disservice that we can do to those interested in it by at the same time creating a fear that the Government years from now may find itself in a position where it cannot, because of the rules and regulations written as the result of this amendment, carry out its guaranty. In that event we would have a failure of the housing program.

Mr. WHEELER. Mr. President, with some of the statements the Senator from Washington has just uttered, I entirely agree. I agree, for instance, that it is the real wage that counts. But there is no assurance, of course, in this bill that there will be any real wage.

First of all, I wish to call attention to the fact that when the original housing law was passed we were anxious to get the bankers of the country to take an interest in it, and so the Government agreed to guarantee the loans up to 80 percent. In this bill we go further and guarantee them up to 90 percent.

The interest fixed in the original law, as I recall, was 5 percent, and there was no provision in that measure which would permit the banker to charge more than 5 percent. But in the administration of the law the Housing Administration permitted the banker to charge 1½ percent as a service charge, notwithstanding the fact that there was no provision in the law permitting that to be done. In other words, the bankers were permitted to get 1½ percent above the 5 percent. I think I am correct about that.

Mr. BULKLEY. Mr. President—

Mr. WHEELER. I yield.

Mr. BULKLEY. Referring to the statement of figures made by the Senator, let me say that the service charge was one-half percent, not 1½ percent; and it was justified as

an exception contained in the legislation, which allowed the Administrator, under exceptional circumstances, to permit a higher interest rate than 5 percent.

Mr. WHEELER. I may be wrong, but my understanding was—and I was so informed by very reliable sources not later than this morning—that, as a matter of fact, they were permitted in some places to make a service charge of 1½ percent.

Mr. BULKLEY. That cannot possibly be true.

Mr. WHEELER. I am glad to have the Senator correct me, because the information given me this morning was to that effect.

Mr. BULKLEY. I think someone has made a mistake. The original legislation permitted 1 percent more than 5 percent in exceptional cases, and the Administrator allowed a rate of one-half of 1 percent to cover what was called a service charge, although there was not anything about a service charge in the legislation at all.

Mr. WHEELER. But the intention of the administration, the intention of the President, was to have 5 percent charged, and in some instances 6½ percent was charged; was it not?

Mr. BULKLEY. No, Mr. President. The intention of the legislation was to have 5 percent charged, except in certain special circumstances. Instead of confining it to special circumstances, the Administrator made a general rate of 5½ percent; but he could not have made it 6½ percent, because the limit of his authority was 6 percent, and I am not advised of any case where he permitted more than 5½ percent to be charged.

Mr. WHEELER. I may be wrong about it.

Mr. BULKLEY. I am sure the Senator is wrong to some extent.

Mr. WHEELER. I will check up on it; but I repeat that I was told this morning that in some circumstances 6½ percent is charged. It does not seem to me that the information could be incorrect, although I shall recheck it.

Mr. BULKLEY. I can assure the Senator that it is incorrect. Somebody might say that inasmuch as there are other charges, such as title-search fees, and so forth, in effect the total charge amounts to 6½ percent; but there could not be an interest charge of 6½ percent.

Mr. WHEELER. No; but the statement was that there was a service charge of 1½ percent.

Mr. BULKLEY. That must be an error.

Mr. WHEELER. Not that the interest was 6½ percent, but that the interest was 5 percent, and the authorities permitted the bankers to charge 1½ percent as a service charge.

Mr. BULKLEY. That must be an error.

Mr. WHEELER. If the Senator will check it up I think he will find that it is not an error. However, I rose, not to cover that particular matter, but rather to discuss the prevailing-wage amendment.

I can understand why the representatives of organized labor in this country at this particular time are more fearful with reference to wage cuts than they were when the bill was passed by the Senate. If Senators will read the morning newspapers, they will see that some of the mills in the State of Maine have cut wages 12½ percent. We know that the steel people are laying off employees; and the effect of practices is wage reductions.

Everyone who knows anything about the present situation in this country knows that there is a tendency on the part of employers to cut wages. In addition to that, everyone knows that if this bill is passed without the prevailing-wage-scale provision in it, a drive will be made on the part of those who will loan money for the purpose of constructing houses to cut wages on these projects. In other words, they will say, "We will not loan the money unless the wages paid in the case of this particular group of houses come down." Senators may refer to what has taken place in the past, but what will take place in the future? All of those connected with the American Federation of Labor realize perfectly well the drive that will be made.

We provide in this bill that the Housing Administration may say what kind of brick shall be used, what kind of lumber shall be used, what kind of metal shall be used, but without this amendment it cannot say how much shall be paid for labor. When a provision is put in the bill with reference to the prevailing wage, what does it mean? It simply means that in communities where there is a prevailing wage scale, the prevailing wage scale shall be paid. In some farming and other communities where there is no prevailing wage scale the provision will not apply. That is what has occurred with reference to the W. P. A., and it is what has occurred with reference to the P. W. A.

In my own home State, in some instances, provision has been made by law or municipal regulation for the payment of the prevailing wage scale. In the city of Great Falls, the city of Butte, the city of Billings, the city of Missoula, and other communities where there is a prevailing wage scale, builders have to pay the prevailing wage scale according to the wages prescribed by agreement between organized labor and the people who use their services. Outside of that, however, in smaller communities, where there is no prevailing wage and no organization of labor, builders do not pay the prevailing wage scale, for the reason that there is no such scale.

Mr. MINTON. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Indiana?

Mr. WHEELER. I do.

Mr. MINTON. Did I correctly understand the Senator to say that the pending bill provides what kind of material shall be used in the buildings?

Mr. WHEELER. No; I do not say the pending bill provides what kind of material shall be used, but the Administrator can say to those constructing the buildings what kind of materials shall be used, and he has said so to them under the existing act.

Mr. MINTON. Does the Senator mean he can say that under the authority of this bill?

Mr. WHEELER. Under the authority of this bill.

Mr. MINTON. What section of the bill?

Mr. WHEELER. I am not familiar with the numbers of the sections, but I do know that the Administrator has said to persons constructing buildings under the existing act whether they should use brick, or lumber, or cement, or something else. That has been the custom, and the Senator should know it.

Mr. BARKLEY. Mr. President, will the Senator yield? Mr. MINTON. I am asking the Senator from Montana to state the provision to which he refers.

Mr. WHEELER. I cannot state to the Senator from Indiana the number of the section.

I yield to the Senator from Kentucky.

Mr. BARKLEY. Mr. President, of course the representatives of the Federal Housing Administration, in the performance of their duty have inspected the material that has been used, and approved the kind of material and the kind of structure, in order that they might not be negligent in the performance of their duty to pass upon whether or not a building should be insured.

Mr. WHEELER. Certainly.

Mr. BARKLEY. But the Federal Housing Administration has not arrogated to itself the authority to prescribe what types of lumber or other material shall be used, always, of course, being interested in seeing that good material shall be used.

Mr. WHEELER. They have gone further, and have said that brick should be used in the construction of a particular set of buildings, or that wood should be used in others. They have not specified the particular kind of brick or wood, but they have said, "You will have to use wood," or "You will have to use brick," or "You will have to use something else."

Mr. BONE. Mr. President, will the Senator yield?

Mr. WHEELER. I yield to the Senator from Washington.

Mr. BONE. I take it that the Senator from Montana is familiar with the provisions frequently found in city charters

all over the country, requiring contractors on public works to pay the prevailing scale of wages in the particular community.

Mr. WHEELER. I am.

Mr. BONE. The contractor bids with full knowledge of the prevailing scale, and makes his bid accordingly. That is correct; is it not?

Mr. WHEELER. That is correct. I think there is such a provision in the case of my home city.

Mr. BONE. Such provisions exist in the case of hundreds of cities.

Mr. WHEELER. In my home city of Butte, as a matter of fact, the prevailing wage must be paid. A building cannot be constructed in the city of Butte unless the prevailing wage is paid.

With reference to the mortgage and the contract, there is not any reason why there cannot be written into this bill a provision that an inspector for the Housing Administration shall say what the prevailing wage scale is in a particular community, and it can be designated in the contract, so that a person who loans money will know precisely what he will have to pay and what the prevailing-wage scale is in the community.

Wherever there are labor organizations in the United States, there is not any question as to the prevailing wage at the time the contract is entered into. Everybody in the community knows it. If there is not a drive to reduce wages, if pressure is not going to be brought to bear to drive down wages before the loans are made, I cannot understand how there can be any possible objection to having a provision in this bill to safeguard the matter as it can be safeguarded; and it can be written into the bill in conference.

I have just had a memorandum sent to me which says that the 6½-percent rate is correct; that it includes 5-percent interest, one-half of 1 percent service charge, and 1 percent for a so-called premium charge on the insurance.

Mr. BULKLEY. Mr. President, that is exactly the suggestion I made to the Senator; that the interest rate is 5 percent and the service charge—which is a thing unknown to the law, but is included in interest—is one-half of 1 percent, and the memorandum confirms exactly what I said. I told the Senator there must be some other outside charge, which the Senator thought could not be so, and I dare say now that the 1 percent is a charge once for all and not an annual rate of interest.

Mr. WHEELER. But the Senator will agree that there is not any provision in the law permitting a service charge of even one-half of 1 percent to be made.

Mr. BULKLEY. I know just what provision there is in the law—5 percent for interest, except if the Administrator determines that there are exceptional circumstances, in which case he may permit up to 6 percent to be charged.

Under that authority the Administrator made a general order permitting one-half of 1 percent to be charged as what was designated as a service charge; but the term "service charge" was not used in the law at all.

Mr. WHEELER. Mr. President, with reference to the telegram sent by Mr. Green, I can see no reason for getting excited about it, for the reason, as has been pointed out, that it referred not to any individual but to whether or not a new conference committee should be appointed. Whether or not that is wise, the fact is that the Senate conferees were committed to work for this provision because of the fact that two-thirds of the Members of the United States Senate voted to have this provision inserted in the bill. The House would not accede to it, and they have discharged their conferees. The Senator from Tennessee [Mr. McKellar] calls my attention to the fact that three-fourths of the Members of the Senate who voted on this question were in favor of the amendment. The vote was 51 to 17 for the amendment. Consequently the Senate conferees were duty bound to work to the end that this amendment be retained in the bill. The House conferees apparently were opposed to it and felt they could not accede.

There is nothing wrong in anyone sending a letter to the Senate and saying, "In view of the fact that the conferees

could not agree, new conferees ought to be appointed." Some of the members of the conference committee have suggested that they did not want to serve if the bill were to be sent back to conference.

Mr. President, I hope that under the circumstances the bill will be sent back to conference. I hope the conferees will insert in the bill a provision for payment of the prevailing wage. I do not make the suggestion because I am opposed to the housing bill, notwithstanding the fact that I appreciate that none of the money will be spent in my State. I know that it will be spent in New York, Chicago, Philadelphia, and other large cities, but I think the housing bill is a good measure and should be enacted. I know something should be done to clear up the slum districts in New York, in Chicago, in Pittsburgh, and in Philadelphia. Thank the Lord, there are no such slum conditions in Montana.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. WHEELER. I yield.

Mr. CONNALLY. Is there any basis for the charge that if we send the bill back to conference we will be killing the bill, or that it will be an indication that we are against the bill? Can it not go back to conference and cannot the conferees work out a new amendment? The bill will not be dead, will it?

Mr. WHEELER. Of course not.

Mr. CONNALLY. The Senator from New York [Mr. WAGNER] threw some light on the action of at least one of the conferees on December 21, when the bill was voted on in the Senate. The Senator from Nebraska [Mr. NORRIS] indicated that he thought the Lodge amendment was all right. The Senator from New York said this—and this is the RECORD—I am not quoting from memory, but this is what the RECORD shows:

Mr. WAGNER. The Senator did not understand me to make any objection to it.

He was referring to the Lodge amendment.

I propose to vote for the amendment if there is a roll call.

"If there is a roll call," the implication being that he was not for it, and if he could vote against it in the dark, he would do so, but "if there is a roll call I will vote for it." There was a roll call, and the Senator from New York voted for it. Then he goes into the conference and comes back without it. Does the Senator from Montana imagine a very gallant or stubborn fight was made for the amendment, at least by the Senator from New York?

Mr. WHEELER. Of course, I do not know what the Senator did in conference.

Mr. CONNALLY. This is the RECORD. I should like to have the Senator from Montana verify what the Senator from Texas has said.

Mr. WHEELER. I read this yesterday, I believe. Answering the Senator's question with reference to the bill being killed if it goes back to conference, of course, on the face of it that is absurd, because on many occasions the Senate has sent bills back to conference. We all know how stubborn the House conferees are at times about concurring in amendments inserted by the Senate. If the bill goes back to conference I have no doubt that the amendment can be included in the bill and that the bill will not be killed. I hope the bill will go back to conference.

Mr. MINTON. Mr. President, I should like to ask the Senator from Montana a question. The last part of the amendment reads as follows:

Provided further, That adequate labor standards shall be maintained on all construction of property covered by a mortgage insured under this title.

Who would be the judge of the adequate labor standards, under the amendment?

Mr. WHEELER. I presume it would be the Administrator.

Mr. MINTON. The Administrator would have to have a supervisor out on each and every job where the Government proposed to insure in order to see that the standards were maintained on the job, would he not?

Mr. WHEELER. They do have inspectors now.

Mr. BARKLEY. Mr. President, they do not have them on the job all the time. They make an inspection at the beginning of the work, and make an inspection on the completion of the work to see whether it has been completed according to the contract and according to the specifications and the advance agreement as to insurance, but they do not keep an inspector on the job all the time.

Mr. WHEELER. I did not mean to say they kept them on the job all the time, and they would not have to keep them there all the time under this proviso. It reads:

Provided further, That adequate labor standards shall be maintained on all construction of property covered by a mortgage insured under this title.

If the Senator has ever engaged in a building enterprise, he knows that the labor organizations, where the laborers are organized, have men to watch the job very carefully, to report in the event the standards are not maintained. There would not be an inspector on the job all the time, but I suppose an inspector would go there, just as they do now, to check up on the building. There is nothing in this amendment, however, that would require them to do any more than they do at the present time with reference to inspections.

Mr. MINTON. Does not the Senator think that if they did not police the job all the time there would be a chiseling, a lowering of the standards, and a failure to pay the prevailing wage?

Mr. WHEELER. No; because where buildings are being erected, and I believe it is particularly true where the Government is interested, labor unions are constantly alert to see that the standard wage scale is observed. They are also alert to see that no one but union men are employed. They are alert to see that everything is done in accordance with the contract. They police the work. The minute the employers import laborers from elsewhere, even though enough laborers cannot be secured where the work is being done, the men will object. The unions now force the employers to keep up the standards and to pay the prevailing wage, and the men go on strike, if necessary to maintain the employer's observance of proper labor standards. The Senator need never worry about the policing or about chiseling, because the walking delegates of labor organizations will keep constantly in touch with working conditions and if there is any violation, they will immediately report it to the Administrator.

Mr. MINTON. Would they not have to police for other matters than the maintenance of the wage scale? Would they not have to police to see that all labor standards were maintained?

Mr. WHEELER. They do that all the time. A walking delegate will visit a building to see to it that the labor standards are maintained. That is one thing they do. If they do not make such inspections they are soon out as walking delegates for the union.

Mr. GLASS. Mr. President, before I leave for a meeting of the Committee on Appropriations I wish to say just one word.

I do not believe the Government of the United States was ever set up to go into the real-estate business, and for that reason I voted against the housing bill, and recently in the Committee on Banking and Currency I voted against reporting it, and I am against it now.

The Senator from Ohio [Mr. BULKLEY] gave me a good reason, momentarily, for voting against the conference report when he said a vote against it meant a vote to kill the bill. Acting upon that assumption, if I could vote—and I do not know whether or not I can obtain a transfer of my pair—I would vote against the conference report. But immediately a Senator on the other side of the Chamber rises and says that if the matter is referred back to the conference they will attach the Lodge amendment to the measure. I do not like to see the bill referred back if the amendment is to be inserted, and I am rather disposed to observe my pair and not vote at all.

I desire to have it understood that I am against the whole proposal because I do not believe the Government of the United States was ever set up to go into the real-estate business. The people who have experience in that business often make mistakes, and a bureau set up here in Washington will be bound to make mistakes all the time, as the bureau now functioning in that matter has been making mistakes.

Mr. HARRISON. Mr. President, a telegram from Mr. William Green was read a few minutes ago by the Senator from Massachusetts [Mr. LODGE], and it seemed to cause some stir and to create the impression that Mr. Green was advocating the employment of a new set of conferees in the event the conference report should be rejected. I got that impression from the first reading of the telegram.

Mr. President, I feel quite sure that Mr. Green did not intend to give such an impression. Let me read the telegram:

Have called upon legislative agent Husing to appeal to Members of the Senate to reject conference report and insist upon appointment of new committee with instructions.

There are no conferees now. The House has adopted the conference report and it is before the Senate, and when the Senate conferees made their report the work of the conference was finished. It is up to the Senate now to take action, and if the report should be rejected the matter would have to go back to a new conference. Either the old conferees could be appointed or a new set of conferees could be appointed. I am sure that is what Mr. Green had in mind, even though the language may be somewhat ambiguous.

I am sure Mr. Green intended no reflection on the Senator from New York [Mr. WAGNER], the Senator from Ohio [Mr. BULKLEY], the Senator from Kentucky [Mr. BARKLEY], and the other Senators who served on the conference. Some Senators may feel that if the report should go back the Senator from New York would put it in his hip pocket and keep it there, as he has been doing in the past. I am sure that the gentleman who sent this telegram, Mr. Green, meant no reflection upon the very able and distinguished and illustrious conferees. That is why I make the statement.

The VICE PRESIDENT. The question is on agreeing to the conference report. The clerk will call the roll.

Mr. McNARY. Mr. President, yesterday I requested the yeas and nays, and the yeas and nays were ordered. Is the clerk about to call the roll for a yea-and-nay vote or for the purpose of ascertaining whether a quorum is present?

The VICE PRESIDENT. The yeas and nays have been ordered; the clerk will call the roll under the order.

The Chief Clerk proceeded to call the roll.

Mr. BULOW (when his name was called). I have a pair with the junior Senator from Vermont [Mr. GIBSON], who is necessarily absent. I transfer that pair to the junior Senator from Rhode Island [Mr. GREEN] and vote. I vote "yea."

Mr. GLASS (when his name was called). I have a general pair with the senior Senator from Minnesota [Mr. SHIPSTEAD], who is absent. I find that I cannot get a transfer. I do not know exactly how to vote. I should like to vote some way that would kill the bill. [Laughter.]

The roll call was concluded.

Mr. LODGE. As I stated yesterday, the Senator from Nevada [Mr. McCARRAN] is absent, but, if present and at liberty to vote on this question, he would vote "nay."

Mr. CLARK. My colleague [Mr. TRUMAN] is unavoidably detained. He is paired with the Senator from Nevada [Mr. McCARRAN]. I am informed that if my colleague [Mr. TRUMAN] were present and at liberty to vote, he would vote "yea," and if the Senator from Nevada were present and at liberty to vote he would vote "nay."

Mr. HATCH. I have just been informed that the Senator from Oklahoma [Mr. LEE] is ill and confined to a hospital at this time. On this question I do not know how he would vote if he were present.

Mr. AUSTIN. I repeat that my colleague [Mr. GIBSON] is necessarily absent. If present and at liberty to vote on this question, he would vote "nay."

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN] is detained from the Senate because of illness.

The Senator from Louisiana [Mr. OVERTON] is absent because of a cold.

The Senator from Georgia [Mr. GEORGE] is unavoidably detained.

The Senator from California [Mr. McADOO] is detained in one of the Government departments on matters pertaining to the State of California.

The Senator from Nevada [Mr. McCARRAN] is absent on official business in his home State.

The Senator from Florida [Mr. PEPPER] is detained on important public business.

The Senator from Oklahoma [Mr. THOMAS] is detained in a meeting of the Committee on Appropriations.

The result was announced—yeas 42, nays 40, as follows:

YEAS—42

Andrews	Clark	King	Pope
Ashurst	Dieterich	Lewis	Radcliffe
Bailey	Duffy	Logan	Schwartz
Bankhead	Ellender	Miller	Schwellenbach
Barkley	Guffey	Milton	Sheppard
Brown, Mich.	Harrison	Minton	Smathers
Brown, N. H.	Hatch	Murray	Smith
Bulkley	Hayden	Neely	Thomas, Utah
Bulow	Herring	Norris	Wagner
Burke	Hitchcock	O'Mahoney	
Byrnes	Hughes	Pittman	

NAYS—40

Adams	Chavez	Holt	Maloney
Austin	Connally	Johnson, Calif.	Nye
Berry	Copeland	Johnson, Colo.	Reynolds
Bilbo	Davis	La Follette	Russell
Bone	Donahey	Lodge	Townsend
Borah	Frazier	Longman	Tydings
Bridges	Gerry	Lundeen	Vandenberg
Byrd	Gillette	McGill	Van Nuys
Capper	Hale	McKellar	Walsh
Caraway	Hill	McNary	Wheeler

NOT VOTING—13

George	Lee	Overtton	Thomas, Okla.
Gibson	McAdoo	Pepper	Truman
Glass	McCarran	Shipstead	White
Green			

So the report was agreed to.

Mr. McNARY. Mr. President, we have heard much about prevailing wage rates in the last 2 days. It seems appropriate to call attention to the fact that the senior Senator from Pennsylvania [Mr. DAVIS], who spoke so vigorously in defense of this principle on the floor of the Senate yesterday, is the author of the act bearing his name—S. 5904—which in 1931 passed the House and the Senate and was signed by the President, providing that the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia shall be determined in accordance with prevailing rates of wages for work of a similar nature wherever constructed. During the time the Senator from Pennsylvania was Secretary of Labor he advocated this principle, and when he first came to the Senate he introduced this legislation. Thus it seems clear that in construction projects to which the Government is a party prevailing wage rates are maintained by law, whereas by the vote taken today this same right is denied labor in private construction projects.

I ask unanimous consent to have printed in the RECORD the act to which I refer and the report which accompanied the bill when it was reported by the Senator from Pennsylvania from the Committee on Manufactures of the Senate, which may serve at some future time as a model of wage and labor standards which have proven their value through practical experience.

The matter referred to is as follows:

[Public, No. 798, 71st Cong.]

S. 5904

An act relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes

Be it enacted, etc., That every contract in excess of \$5,000 in amount, to which the United States or the District of Columbia is a party, which requires or involves the employment of laborers or mechanics in the construction, alteration, and/or repair of any

public buildings of the United States or the District of Columbia within the geographical limits of the States of the Union or the District of Columbia, shall contain a provision to the effect that the rate of wage for all laborers and mechanics employed by the contractor or any subcontractor on the public buildings covered by the contract shall be not less than the prevailing rate of wages for work of a similar nature in the city, town, village, or other civil division of the State in which the public buildings are located, or in the District of Columbia if the public buildings are located there, and a further provision that in case any dispute arises as to what are the prevailing rates of wages for work of a similar nature applicable to the contract which cannot be adjusted by the contracting officer, the matter shall be referred to the Secretary of Labor for determination and his decision thereon shall be conclusive on all parties to the contract: *Provided*, That in case of national emergency the President is authorized to suspend the provisions of this act.

SEC. 2. This act shall take effect 30 days after its passage but shall not affect any contract then existing or any contract that may thereafter be entered into pursuant to invitations for bids that are outstanding at the time of the passage of this act.

Approved, March 3, 1931.

S. 5904—Relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia by contractors and subcontractors, and for other purposes.

Mr. DAVIS; Committee on Manufactures, CONGRESSIONAL RECORD, 3252.—Reported back (S. Rept. 1445), CONGRESSIONAL RECORD, 3833.—Passed Senate, CONGRESSIONAL RECORD, 3918.—Debated in House, CONGRESSIONAL RECORD, 6504, 6519.—Passed House (in lieu of H. R. 16619), CONGRESSIONAL RECORD, 6521.—Examined and signed, CONGRESSIONAL RECORD, 6640, 6800.—Presented to the President, CONGRESSIONAL RECORD, 6705.—Approved [Public, No. 798], CONGRESSIONAL RECORD, 6906.

[Senate Report No. 1445, 71st Cong., 3d sess.]

Mr. DAVIS, from the Committee on Manufactures, submitted the following report (to accompany S. 5904):

The Committee on Manufactures, to whom was referred the bill (S. 5904) relating to the rate of wages for laborers and mechanics employed on public buildings of the United States and the District of Columbia, by contractors and subcontractors, and for other purposes, having considered the same, report it to the Senate with the recommendation that it do pass.

The purpose of this measure is to require contractors and subcontractors engaged in constructing, altering, or repairing any public building of the United States or of the District of Columbia situated within the geographic limits of the United States to pay their employees the prevailing wage rates when such wage rates have been established by private industry. In the event the contracting officer is unable to adjust any dispute as to the prevailing wage rates, this bill provides that the matter shall be referred to the Secretary of Labor for determination and that the Secretary's decision as to the wage rates shall be conclusive on all parties to the contract.

The Federal Government has entered upon an extensive public building program throughout the United States and in the District of Columbia. This program will continue for a period of 8 or 10 years and will result in the expenditure of approximately a half a billion dollars for the construction, alteration, and repair of Federal buildings. It was intended that this vast sum of money should be expended not only to properly house Federal offices in their own buildings, but also to benefit the United States at large through distribution of construction throughout the communities of the country without favoring any particular section.

The Federal Government must, under the law, award its contracts to the lowest responsible bidder. This has prevented representatives of the departments involved from requiring successful bidders to pay wages to their employees comparable to the wages paid for similar labor by private industry in the vicinity of the building projects under construction. Though the officials awarding contracts have faithfully endeavored to persuade contractors to pay local prevailing wage scales, some successful bidders have selfishly imported labor from distant localities and have exploited this labor at wages far below local wage rates.

This practice, which the Federal Government is now powerless to stop, has resulted in a very unhealthy situation. Local artisans and mechanics, many of whom are family men owning their own homes, and whose standards of living have long been adjusted to local wage scales, cannot hope to compete with this migratory labor. Not only are local workmen affected, but qualified contractors residing and doing business in the section of the country to which Federal buildings are allocated find it impossible to compete with the outside contractors, who base their estimates for labor upon the low wages they can pay to unattached, migratory workmen imported from a distance and for whom the contractors have in some cases provided housing facilities and food in flimsy, temporary quarters adjacent to the project under construction.

The question of having contractors who have been awarded Government building contracts pay fair wage scales has been passed on by the Senate in the form of an amendment introduced by Senator Couzens, of Michigan, and attached to the appropriation bill. The Federal departments have endeavored to correct the situation without the aid of legislation, but have been unable to do so. This committee has held extensive hearings on the subject

and has arrived at the conclusion that this measure will alleviate present unsatisfactory conditions and will carry out the intent of the Federal public-building policy. This legislation will provide a more equitable distribution of employment, especially in the present time of depression, and will generally benefit the country at large by requiring that those who have been awarded public-building contracts pay their employees wages comparable to the prevailing wage scales where they are employed.

The Secretary of Labor and representatives of the Treasury and War Departments have appeared before this committee and have advised this committee that the bill has their unqualified approval. Representatives of labor have appeared before the committee and have endorsed the measure as it stands. Builders throughout the country have advised the committee that they favor the principle involved in this bill.

This measure does not require the Government to establish any new wage scales in any portion of the country. It merely gives the Government the power to require its contractors to pay their employees the prevailing wage scales in the vicinity of the building projects. This is only fair and just to the employees, the contractors, and the Government alike. It gives a square deal to all.

PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed the consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws, and to punish the crime of lynching.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. PEPPER] to the amendment, as modified, of the Senator from Illinois [Mr. LEWIS]. The Senator from Mississippi [Mr. BILBO] has the floor.

Mr. BILBO. Mr. President, I wish to repeat that in my judgment there is only one solution of the problem involved in the pending measure, and all other questions affecting the relationship betwixt the two races which now dwell in America. The solution to which I have reference—to use a more euphonious term than deportation—is the repatriation of the 12,000,000 Negroes who live in America at the present time.

In offering the solution, I repeat that it is not wild; it is not fanciful; it is not fantastic; it is not visionary; but it is really the cream of the judgment and statesmanship of all great men who have gone before.

The solution I am offering does not imply that I entertain a dislike or hatred for the Negro race. No man in public life has a better record of friendship and kindness for the Negro in every official act than I have exemplified as Governor of my State for 8 years. I offer the solution as the permanent and lasting solution that is sure to come to this and all other kindred problems. I offer it not only as the best remedy for the white man of America, but I offer it as the best solution for all the discriminations, abuses, and hardships that the black man complains of in this country.

It may be, for a season, that the black man will claim that he gets better treatment after he leaves the sunny South and crosses the Mason and Dixon's line; but I want to sound a note of warning to him that in years to come he will find that, on the whole, he has received and will receive better treatment from the men and women south of the Mason and Dixon's line than from any others.

It is impossible, as the history of more than 10,000 years will show, for the 12,000,000 black men and women of this country to live alongside the 120,000,000 whites without amalgamation resulting.

I know that some Senators will feel safe in denying the statement I have just made; but in the denial of it they place themselves on record as denying the truth of what has happened wherever the two races have attempted to live side by side. It has been tried repeatedly in Africa. It has been tried in Europe. It has been tried in Asia. It has been tried in South America. It has been tried on some of the islands surrounding the North American continent, and we are just now beginning to experiment with the matter in the United States.

How can anyone doubt that certain amalgamation will take place in the United States when, in a short period of 150 years, there are evidences of such amalgamation on every side? The amalgamation is going on now. It does not consist of the intermixing of the races in a legitimate

way. The thing that is bringing on the trouble is that hour by hour, day by day, and year by year, the illegitimate interbreeding of the races is taking place all over the country.

If one walks on the streets of Washington, what does he see? He sees a city of 600,000 souls, one-third of them belonging to the Negro race, and one-half of that one-third showing evidence of this amalgamation of which I am speaking.

If one goes to New York and makes a visit to the famous Cotton Club, or drives down the streets of Harlem, he will see certain unmistakable evidences of the process of amalgamation betwixt the races. If he goes to Chicago and spends a while in the Black Belt, on every hand he sees evidence of the amalgamation that has taken place within the last century. It can be observed all over the United States.

The genuine, pure, undefiled, and unamalgamated Negro from Africa was brought to this country at the beginning of the settlement of America, with his skin as black as the ace of spades, as dark as Egypt itself. After a period of 150 years at least a third of those who are today classed as Negroes show evidence of this certain interbreeding, intermixing, and amalgamation. If what I have described can take place in 150 years, pray tell me what will be the situation in the United States 200, 500, or 1,000 years from now?

History shows that the Negro is a more prolific breeder than is the white man. The Negro population is increasing in this country in a greater ratio than is the white population. Today we have 12,000,000 Negroes. There were about 150,000 when the importation of slaves into this country was prohibited in 1808. If in this short time the black race has increased until today there are 12,000,000 of them in the United States, in the next 100 years we may have 50,000,000 or 75,000,000.

When we speak of the life of a government, of the life of a republic, we speak in terms of 500, 1,000, 2,000, or 3,000 years.

If in a short period of 150 years we find half the Negroes of the United States already with the white man's blood coursing through their veins, pray, tell me, what will we find 500, 1,000, or 2,000 years from now.

The history of the last 10,000 years shows that wherever the blood of the Negro has been intermingled with that of the white man, the civilization of the white man always has suffered. Such intermingling will drag down the civilization of the Caucasian race in America.

So we may take our choice. Whether it is pleasant or not, or whether we accept it today or not, makes no difference. We will accept it, or our children's children will. We can either accept a solution that will mean the absolute separation of the two races, or we can continue to let them live side by side and take the other alternative, which is amalgamation.

At this juncture I wish to read into the RECORD from the Everyman Encyclopedia, volume 9, page 480, a true description of the Negro. If any Negrophilist or Negro lover should feel disposed to become incensed at anything I am going to say, let him read the words taken from a standard encyclopedia and heap his abuse upon those who essay to give to the reading world an encyclopedia. These are not my words, but they are the words of this encyclopedia and are backed up by authorities numbering about 20 in the recital. I say, in justice to the many Negroes in this country, who temporarily have been improved by the injection of the white man's blood, that this description may not apply to them altogether, but this is a description of the Negro as he is without adulteration, without amalgamation; this is the pure Negro; this is the original stock from which all Negroes are supposed to have originated.

Negroes form one of the four great classes of the human race. In their purest form they are probably found along the Guinea coast, in the Gaboon, the basins of the Shari and Benue, and the lower Zambesi, but the Sudan is considered the home of the race.

Of course, all Senators know where the Sudan is.

It is possible that they peopled Schlater's "Lemuria," a continent covering a large portion of the Indian Ocean, and became divided on the subsidence of the region in early and middle Tertiary times. The term is now generally restricted to the western or African

branch, those of the eastern region, of South India, Malay, New Guinea, etc., being Papuans or Malaysians. The former present various mixed types due to Caucasian migration, the latter have been affected mostly by Mongolian movement.

The Negro characteristics—

This is the part to which I desire to call special attention—

The Negro characteristics are deep brown, almost black skin—

One can look at the skin and see whether or not there has been any amalgamation—

cool, velvety, and emitting a peculiar odor—

That is the surest test known of the Negro race—the odor of his skin—

short, black, woolly hair of elliptical section; short, flat, broad, snub nose with depressed base and dilated nostrils; black eye, black iris, and yellow sclerotic coat; prognathic jaws, facial angle 70°; thick lips, protruding and showing the inner red; high and prominent cheek bones; very thick skull, dolicocephalic (index 70°); cranial capacity, 35 (average European, 45); long arms, weak legs; flat, broad foot with low instep, and "lark heel"; yellowish palms and soles; height (average 5 feet 10 inches) above the average. A marked feature is the early closing of the cranial sutures, a premature ossification appearing to prevent a full development of the brain.

Here I wish to observe that those of us who know the real Negro know that the Negro child is very bright; he learns easily and quickly, but after he reaches a certain age he ceases to learn and becomes childish and set, and here is the reason for it:

A marked feature is the early closing of the cranial sutures, a premature ossification appearing to prevent a full development of the brain. The children are described as sharp, vivacious, and intelligent, but deterioration commences at puberty and the full grown Negro remains childlike, unprogressive, lethargic, without initiation.

In the arts, that is, building, spinning, weaving, pottery, agriculture, the working of metals they are moderately advanced, but have probably learned these under Semitic influences and have certainly shown no development of their own. Their religion was very debased and cruel, fetishism, cannibalism, and slavery being the chief characteristics and outcomes, but they are now largely becoming Mohammedan.

There is a reason why the Negro would rather have the Mohammedan religion than the Christian religion. I will discuss that before I finish.

In the United States of America and South Africa, where they are largely Christianized, their acceptance is childish in nature, and their moral status appears unable to rise to the Christian ideal. They have been described as nonmoral, rather than immoral, which aptly expresses their undoubted lower stage of development. They are childishly gay and passionate, with childish rapidity in change of mood; thievish, unreliable, indolent, yet with a childish subordination to authority, and marked faithfulness, yet subject to sudden failure. These points of character united to a marked sensuousness render them a serious social problem in the more progressive and civilized lands, particularly in America. Their Republic, Haiti, has always had an evil name. The Negroid race is estimated at some 200,000,000. In the United States there are about 9,000,000, forming about one-ninth of the population, and they are more prolific than the whites.

In this short essay on the Negro, in the attempt to describe his real characteristics, the writer is talking about the Negro as he is found in his primeval haunts, in the jungles of Africa, and he elaborates on what happens to the Negro when he is brought from the jungles and comes under the influence of Caucasian culture and civilization.

They are childishly gay and passionate, with childish rapidity in change of mood; thievish, unreliable, indolent, yet with a childish subordination to authority, and marked faithfulness, yet subject to sudden failure.

They are sensual in their nature; they are passionate. That explains to some degree why we have such unthinkable, unbelievable outbursts in the acts of the Negro race which have been charged as being the cause for the lynchings which this bill attempts to correct in the South. I picked up the Washington Post of February 1, this morning, and I read on the front page this story:

VIRGINIA GIRL ATTACKED—ESCORT SHOT DEAD BY COLORED MAN
PORTSMOUTH, VA., January 31.—Norfolk County and city police were engaged in an intensive search for a colored man who shot to death Cecil V. Stivills, 30, a navy-yard worker, of this city, and criminally attacked—

That is, raped—

his girl companion near Glenshellah on the outskirts of the city late last night.

Sivills was instantly killed, a bullet entering the left side of his body and passing through his abdomen.

The girl made her way to a residence in Glenshellah where she reported the affair. The girl was sent to a local hospital. She suffered bruises on her limbs and body.

To the normal mind it is unthinkable that any human being in a civilized country could go out on a highway and allow his animal instincts, his animal passions, to become so thoroughly aroused as to kill a young man and then proceed to assault and rape his companion, the girl, whom the young white man had in his care. Such things are difficult to understand until the real nature of the real Negro and the instincts of the Negro are realized.

I am sure all of you have read some of the novels by Alexander Dumas. It would be interesting in this connection briefly to review his life.

I think Alexander Dumas is the outstanding Negro of the world. Some of you may have thought he was a Frenchman, but he was a Negro. His grandmother was a slave, a full-blooded Negress from a sugar plantation in the West India Islands. He was a quadroon. I am sure you were delighted when you read his *Three Musketeers* and some of his wonderful plays.

It is said that Alexander Dumas wrote 1,200 books. He wrote over 100 plays. He fought 20 duels with pistols and bowie knives. He accumulated from his writings a fortune of over \$5,000,000, and he boasted of the fact that he was the father of 500 illegitimate children. He spent his time gallivanting around over Europe with his \$5,000,000, being entertained by the lords and princes of the European courts because of his intellectual accomplishments as evidenced in his plays and novels. He never smoked a cigar. He never drank any whisky. He was a temperate man in those respects; but history tells us that Alexander Dumas spent his fortune of five and a half million dollars in entertaining the girls of Paris. If it had not been for his son, he would have died from starvation. As a matter of fact, he died a pauper.

To understand why Alexander Dumas led such a life, you must remember that he was a quadroon. One-fourth of Alexander Dumas was Negro; and that injection of the Negro blood easily accounts for the wild and reckless and immoral life he lived, for his being the father of 500 illegitimate children.

In making these references, I do not undertake to say, and I would not want anyone to believe, that I am charging all of the Negro race with immorality; but as you study the Negroes you find that while many of them have been improved by their contacts with the white man, his culture and his civilization, when they are left alone and have an opportunity to give absolutely free rein to their instincts and their wills, even the Christian religion, as has been shown wherever they have had the opportunity, has had very little restraining influence. That has been demonstrated especially in southern Africa, where the English missionary societies flooded the country with missionaries teaching not only political equality but social equality; and conditions became so bad that England saw the mistake she was making and put a stop to it. The fight went on there for years to protect the womanhood of the colonials in South Africa, until finally, in order to escape the conditions by which the colonials were surrounded, they left their native country and moved farther into the interior of Africa to establish a country that would be exclusively white, with no Negroes at all. There is only one continent in the world that is making an adequate effort to solve this problem and save itself and its civilization, and that is Australia. They have a law that no Negro may live in the great continent of Australia.

In announcing that repatriation of the Negro to his fatherland is the only solution of this problem, I insist that the Negro himself should accept my proposition. I repeat what I told you the other day—and I am glad to make this statement—that a very considerable element of the Negroes appreciate the fact that the Negro's native fatherland is the place for him to go, because when the panic started, be it remembered, and we made our first appropriations for relief, W. P. A. money, over 1,000,000 Negroes signed the petition

which is now on file in the White House begging President Roosevelt to finance their transportation back to their fatherland, Liberia, Africa, and their colonization there.

I want to recommend Liberia to my colored friends. It is a wonderful country. Liberia has an area of 45,000 square miles, being practically the same size as the State of Mississippi.

We have 46,000 square miles. The population of Liberia at the present time is about 2,000,000, and they are all Negroes. There are no whites there. The capital of Liberia is Monrovia. The capital city has a population of over 10,000.

The present President of Liberia is Edwin J. Barclay, who was elected in May 1931, for a 4-year term, and reelected on May 7, 1935, for an 8-year term, his present term ending in 1943.

Liberia as perhaps Senators know, lies on the southwest (Guinea) coast of Africa, between Sierra Leone (British) on the west and the French colony of the Ivory Coast on the east, with a coast line on the South Atlantic Ocean of about 350 miles. It extends inland from 75 to 150 miles. Most of the country is covered with tropical forests, rich in timber, and oil nuts, but lacking in transportation.

In 1937 there were estimated to be 10,000,000 rubber trees in Liberia. There is one motor road in the country. The population is entirely composed of the African race. About 100,000 of the dwellers along the coast may be considered civilized.

The number of American Negroes who live in Liberia is estimated at 20,000. Liberia was founded in 1822 by the American Freedmen's Society. The Abolitionists and the good Christian women of this country organized the society in 1822, and through the help of Henry Clay and other leaders of that time Liberia was established as the home for all the Negroes in the United States, especially those who had been slaves, and had been freed by their masters in the South and in the North.

Liberia was declared a republic on July 26, 1847. I want Senators to keep up with this information. There is a striking statement in the description I am giving you. In other words, in 1847 Liberia became an independent nation, a republic just like our republic. Its constitution is modeled on that of the United States. Electors must be of Negro blood.

I have heard a great deal said in this discussion about political equality between the whites and the blacks in this country. The Negro has insisted upon his political rights in all the States of this Republic. He has insisted that he is entitled to the right to vote, and that he is entitled to participate in all the political affairs of the Republic; and after he is given that, he wants all sorts of civil rights. When he gets all sorts of civil rights, he wants all sorts of social rights; and the end of the social rights means the day of the perfect functioning of the process of amalgamation in this country. Yet here in Liberia is a republic, here is a government with a constitution based upon the Constitution of the United States, inaugurated, enacted, and passed by the Negro in action, when no white man interfered; and what does the Negro say? In order to vote in Liberia, a man must have Negro blood.

Then why can the Negro race object if we, who own this white man's country—it is ours because we took it away from the Indians—say, "This is a white man's country, and no man shall vote here unless he is a white"?—that he cannot vote if he has Negro blood in his veins? When they established a republic they said, "No man can vote in our country unless he is of Negro blood."

The government rests with a president elected for 8 years, and a senate of eight. They have only eight senators in the Republic of Liberia, and they seem to be getting along all right. The lower house consists of 15 members. Eight senators are elected for 6 years, and the members of the lower house are elected for 4 years. That is the only variation between their scheme and ours.

Coffee, rubber, oil nuts, raffia, ivory, and ginger are the chief exports of Liberia, and textiles, hardware, glass,

earthenware, tobacco, spirits, rice, and foodstuffs are the principal imports into Liberia.

In 1935 the revenues of the country amounted to \$632,386, the expenditures amounted to \$515,650. It seems that Liberia is getting along better with their finances and their budget than the United States is, because they took in \$632,000 and spent but \$515,000. I do not think we can present any such record in the United States.

For 1934 the imports amounted to \$1,180,601, and the exports to \$571,793. In their trade with the United States in 1936 they imported from this country \$554,639 worth of goods, and they exported to the United States \$505,339 worth.

Briefly, that is a recent account of this wonderful African territory which was selected by the good, philanthropic abolitionist women of America in 1822 as the future home for the Negro race then residing in the United States, and they proceeded to transport year by year the Negroes who had been freed in this country, until today there are over 20,000 American Negroes colonized in Liberia.

Someone may say that if they already have 2,000,000 people in Liberia and it is a territory of only 45,000 square miles, there would not be room for the 12,000,000 Negroes in the United States. I have a suggestion to offer in this connection. On one side of Liberia the French Nation owns practically all of Africa along the coast line. On the other side of Liberia England owns all of the country. This part of Africa is a wonderful territory. The temperature ranges from 68° to as high as 98°. They are able to plant sweetpotatoes every month in the year. They can grow crops the year round. The land is very fertile. This is true of practically all of this great country which is owned by France on the one side and England on the other side.

For quite a number of years since the World War we have been trying to convince the French people and the English people of their moral obligation to pay their World War debts owing to the United States. They owe us billions of dollars, and they own in Africa some wonderful territory. I suggest that if I could persuade the Senator from New York and the Senator from Indiana to join me in the scheme of repatriation of the Negro from America to Africa, through our splendid Secretary of State we might conclude a bargain by which we could enable the French people and the English people to pay a part, at least, of their war debts by trading to the United States the English territory and the French territory in Africa, and thus give us a great wilderness, a great country almost as large as the United States, in which we might be able to colonize and to repatriate the unfortunate Negro whom we find in our midst.

I repeat, Mr. President, the Negro race as a whole is not happy in the United States, and the more the Negro is educated the more unhappy he will become, because he will then feel more keenly the certain discrimination which he will find in every State in the American Union, and as our population increases and as the competition between the men who labor in this country becomes more and more intense the discrimination will become keener as the years go by. That being true, the Negro is not going to be able to stand up under the competition of the white man, and he will become more and more dissatisfied.

If the United States can offer to the Negro a country in the wilds of Africa as large as the United States, rich in oil and minerals, in timber, in fertility; rich in everything we possess; if we can offer him such a home in his fatherland, then why should we not seek to place him where he can work out his own salvation, where there will be no discrimination? If the Negro has any sense, if he will use good judgment, he will appreciate that I am trying to be his friend, that I am trying to help him. I do not mean that we should deport the Negro; I do not mean to convey that idea. I mean that we should repatriate him, by which I mean that we are to take him as a friend, carry him back to his homeland, and there colonize him.

We could very well afford to buy every dollar's worth of property the Negro owns in the United States today. It

amounts to only about \$3,000,000,000, and we spend more than that in 1 year for relief. We can afford to buy every dollar of property the Negro has in the United States and then spend \$2,000,000,000 on top of that in buying the country for him and standing the initial expense of his colonization, starting him off, and giving him the supervision he will need at the hands of the white man's Government, just as we did with our friends in Cuba after the Spanish-American War, just as we did with our friends in the Philippine Islands; give them direction and supervision until they become thoroughly organized and thoroughly colonized and thoroughly ensconced upon their native heath.

There will be no discrimination, and no white man can come in and take the rights away from the Negroes, because the constitution of Liberia provides that the white man cannot vote in Liberia.

Someone will say, "Your proposition is nothing but nonsense. You know we cannot move the Negro to Africa." I did not say we should drive him, I did not say we should force him. I said we should prepare to purchase the land. Liberia is all ready to receive the Negro, and a part of Liberia has been set aside and dedicated by the Republic of Liberia as a home for American Negroes. They are waiting for them. I did not say we should drive the Negro, I did not say we should force him. I said we should purchase the land and agree to bear the expense of transportation and the expense of colonization, and let the Negro go of his own accord; and if he has good sense, he will go.

Why does the Negro want to stay in the United States? Just as surely as the sun shines in the heavens conditions are going to become worse for the Negro, until possibly 500 or 1,000 years from now, when the Negroes shall have been thoroughly amalgamated with the white people, we will all go down together, because the record of 10,000 years shows that the Caucasian culture and civilization always goes down when there results an amalgamation of the white with the colored race.

Some outstanding stars can be pointed to among the Negroes—those who are black and those who are mulattoes. Of course, it is true that there are exceptions, but I am speaking of the status quo of the great majority; of 95 percent of the Negro race.

I now desire to read into the RECORD the words of a man who has given his life to the study of the race problem. I wish to read the findings of this man, who has traveled in every country of the world studying this very difficult question. He says:

Let us repeat that "the color problem" is not a problem of color but of mentality. The difference between the white man, who has produced all civilizations, and the Negro, who has few cultural possessions save those which he has received from the white man, is not a color difference merely. Pigmentation affects the skin only, while civilized culture is the product of the mind's mastery over things material and spiritual. It so happens that white skin accompanies the culturally capable, while black skin accompanies the culturally deficient.

If the Negro had proved himself the master of things and the Caucasian had proved himself dependent upon the Negro's progress, we should readily concede superiority to the Negro. But as the history of civilization shows the white man to be the master of things and the colored races merely the beneficiaries of the white man's progress, we cannot deny superiority to the white man. Such conclusion is not a sentimental arrogation of the white man. He who would construct a race sociology will seek the facts of race history from which to induce generalizations. The sentimentalist will ignore the facts. The just man will see, in the white man's age-long dominion over things, undeniable implication of the white man's custodianship of creative genius. The negrophilist—

That is the Negro lover—

will ignore the white race as the sole cultural factor in progressive civilization and glibly descant upon the attainments of mankind. The negrophilist will attribute to the human race those achievements that have been attained by a particular subspecies of humanity. The negrophilist has not the vision of the scientist and cannot have, for he is color blind.

I have found a few white people in this country who could not tell the difference between a white man and a Negro. Such people are color blind.

White sentimentalists and the Negroid writers of America will trace to the institution of slavery the American Negro's cultural incapacity. Unmindful of the truth known to ethnology—that

the cultural status of the American Negro has antecedents in Africa—they ignore the fact “that in his own country the centuries have rolled away, finding him always in the same condition of dense ignorance and unalleviated savagery,” and that “the Caucasian race has been for centuries, in one or another capacity, the superior guiding or controlling force in human history, and its records contain the epitomy of human achievement. During the same period, on the contrary, the Negro has occupied in every relation of life a subordinate position, whether as a savage awaiting the touch of civilization or as a servile people, existing under the control and direction of the more highly civilized race.”

Slavery in America left the Negro in an infinitely better condition than it found him, but “the institution of slavery has loomed so large on our horizon that it has completely overshadowed that which went before it in African history. At every mention of Negro inefficiency, improvidence, or immorality it sufficed to recall slavery, and the characteristic was explained.”

Slavery not only left the American Negro more advanced culturally than the African members of his race but did this, notwithstanding the fact that the American slaves were recruited from the “sweepings of the Sudanese Plateau,” where the inferior tribes “had been crowded to the impassable barrier of the ocean.” Slavery found the Negro an animist and left him a Christian. Slavery found him a cannibal and provided him with the meat of domestic animals. It found him a naked savage and left him clothed and civilized. The apologists of the Negro ignore the fact that the Negro’s aptitudes as exemplified in America are a product of race as well as environment.

The institution of Negro slavery resulted in greater harm to the white race than to the black. The Negro has profited through contact with the white, the white has suffered loss through contact with the Negro. Contact with the white man has affected the Negro through environment; it could not and cannot affect his heredity, save that as the institution of slavery has a tendency to place a premium upon the type of Negro best suited to servitude. In this respect slavery did influence Negro heredity, inasmuch as the slave owner often resorted to selective breeding.

“The endowment of each generation at birth is dictated by heredity, but all that it acquires subsequently is the gift of environment.” Mental characteristics are subject to the laws governing heredity as well as are physical characteristics. With regard to race, heredity, and environment, Robert R. Marett, reader of social anthropology in the University of Oxford, says in his *Anthropology*, “Nor is it enough to take note simply of physical feature—the shape of the skull, the color of the skin, the tint and texture of the hair, and so on. There are likewise mental characteristics that seem to be bound up closely with the organism and to follow the breed.”

Right here let me make an observation about this organism of the brain. Wherever in 10,000 years of authentic history the Caucasian race has been found anywhere on the face of the earth, that little something, that germ in the brain, has given forth inventive genius and a creative faculty that has built up a culture, a civilization, the glory and crowning achievement of the human race. But, on the other hand, wherever we find the Negro, he is minus the creative faculty, and if partially civilized by an imposed culture he drifts back into savagery and reverts to his original type.

I continue to read from this book.

For race, let it not be forgotten, presumably extends to mind as well as to body. It is not merely skin deep and circumstances can unmake, but of themselves they never yet made man, nor any other form of life.

Most of us are characters of environment. We sometimes wonder at the mentality, the intellectuality, of human beings that we find living under unfavorable conditions. They raise themselves out of their own environment. They make their way in the world. They dream, they plan, they scheme, they accomplish, they do things, and we wonder why.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

Mr. BILBO. I yield.

Mr. CONNALLY. I should like to ask the Senator from Mississippi a question, in view of the ruling of the Chair, which is that if the Senator from Mississippi should yield to the Senator from Texas in order that he might demand a quorum call, the Senator from Mississippi would lose the floor. I ask the Senator from Mississippi if there are any other Senators now present on the Senate floor, except the Senator from New Mexico [Mr. CHAVEZ], the Senator from Kentucky [Mr. BARKLEY], the Senator from Virginia [Mr. BYRD], the Senator from Texas, myself, and the Presiding Officer, the Senator from Minnesota [Mr. LUNDEEN]?

Mr. BILBO. I am signally honored by the presence of four distinguished Senators seeking information on the very important pending measure.

Mr. CONNALLY. Mr. President, will the Senator yield for another question?

Mr. BILBO. I shall be glad to yield.

Mr. CONNALLY. Does not the Senator think that Senators who insist on our remaining here and discussing this bill should also remain in the Chamber and hear the discussion? Is it not true that by their absence they evidence their determined view that this bill is to be voted on without their listening to debate or listening to discussion, but purely on considerations of either prejudice or politics, or something besides real discussion and real debate?

Mr. BILBO. I think the observation of the Senator from Texas is well founded; and I have consoled myself with the fact that 99 percent of the Senators exemplify the character spoken of in the Bible, wherein something was said about Ephraim being joined to idols. They are set in their ways. Having ears, they hear not; having eyes, they see not; and having minds, they do not use them.

Environment has placed the Negro in America above the Negro in Africa, but environment cannot, save as a factor in evolution acting over a great stretch of time, affect the Negro race traits and instincts.

When some of our good, philanthropic, Christian-hearted statesmen and members of organizations of the North get in their minds the idea that by treatment, training, and influence they can change the racial traits and instincts of the Negro, I wish to say to them, in all frankness, that they have just begun to learn their A B C's about the Negro. Such a result cannot be brought about. Suddenly released from the white man's restraining influence, the Negro would retrograde to African conditions.

I referred a while ago to the history of Liberia. In 1822 certain good Christian women of America organized the Freedmen's Society, and made arrangements to purchase the territory now known as Liberia, and began to send the freed slaves there. In 1847 there was established the Republic of Liberia, which today has a population of 2,000,000 Negroes; and yet in over 100 years those who were behind the movement have not been able to civilize, to Christianize those people, or to inculcate in them the cultural ideas of the Negroes who were sent there from the United States. In over 100 years they have been able to touch only 100,000 out of 2,000,000, or 1 out of 20.

If Negro professors, Negro editors, and Negro leaders are so thoroughly enthusiastic about the improvement of their own race, if they are so filled with a desire to go out and do something for the great cause of humanity among the Negroes that they will spend unlimited sums of money in haunting the Halls of the American Congress trying to pass this damnable piece of legislation in their mad desire to protect members of their own race, as they say, south of the Mason and Dixon's line, why do they not accept my proposition? Why do not those Negroes who pretend to be leaders in this country get behind the movement which I have suggested, help to finance it, and help to create a condition or atmosphere that will compel the Congress to make definite arrangements to permit the Negroes to go to Liberia, where there are now 1,900,000 Negroes in savagery, waiting for the touch of the white man's culture, and carry that culture to them. There is a field for the Negro missionaries.

My scheme is feasible. It is not visionary. It can be accomplished, because if I could persuade the Negroes north of the Mason and Dixon's line to become interested in the colonization of their 12,000,000 brethren in the United States in a country in Africa possessing greater natural possibilities than the United States, all they would have to do would be to communicate that fact to Mr. White, of New York, president of the Association for the Advancement of the Colored Race, and pass the word along to the distinguished Senator from New York [Mr. WAGNER] and the distinguished Senator from Indiana [Mr. VAN NUYS] that if they did not vote for a constitutional amendment giving Congress the power to finance the transportation and colonization of the Negro race in its native land in Africa, and to carry through the repatriation of every Negro in America, the Senators would not receive the support of the Negro leaders when they run

for office, and such a proposal would immediately pass on the floor of the United States Senate.

The supporters of the pending bill claim a majority in favor of the bill when and if a roll call is had. But, thanks to the Senators who did not want to invoke the cloture rule and destroy freedom of speech on the floor of the Senate, and the right of unlimited discussion of the great problems and questions affecting the welfare of this Nation, there will be no roll call on the pending measure, because we have made arrangements to educate the American people on the race question, on the legislation that should be passed, and on the legislation that should not be passed, ostensibly affecting the Negro in this country. I have accumulated material which I propose to give to the American people through the CONGRESSIONAL RECORD. I have estimated that it will take exactly 60 days to deliver that material. This is the beginning of the first 30-day period in the discussion of this question.

If we are to solve the American Negro problem, we must forever be done with the conception prevailing among not a few whites, that the Negro is such as he is by reason of his subjection to the Caucasian. Until we do this, it is impossible to approach the problem on a rational basis. Those who were familiar with the condition of the slave at his introduction into America realized that his coming hither was to result in distinct advantage to him in every respect, spiritually as well as materially. We have seen that such consciousness caused colonial divines to meet the slave vessels, kneel and pray, thanking God that He had sent the benighted African to a Christian environment.

In other words, the Negro in his primitive condition was so cannibalistic, so savage, and so far from civilization that the ministers of the gospel of this country would meet the slave ships as they came to America in the days of slavery and there kneel on the shore and pray to God, thanking God that these human souls had been snatched from the wilds of the jungle and brought to a land where there was a possibility of their recovery and salvation by coming in contact with the culture and civilization of the white man and with his Christian religion.

Then, too, we must be "done with the folly of saying that the Negro has had but three decades of opportunity for self-culture, when, as a matter of fact, he has had an equal chance with the rest of mankind since the dawn of creation.

The negrophilists who undertake to defend the Negro should remember that the Negro race, as a race, has had the same opportunity and the same length of time as the white race to make progress, to develop a civilization, a culture, and all that goes with civilization. If the Negro race has not done it, if it has failed everywhere, then why should the negrophilists have in their minds the idea that the Negro possesses in his brain that inexplicable something that makes it possible for him to think, to create, to dream dreams, and to do things that will uplift the human race? It is just not in him.

It is well known, as I read from the encyclopedia, that the human skull consists of bones united by sutures.

By the time the Negro reaches puberty those sutures, instead of remaining as such, enabling the skull to expand and the brain to grow, close in and solidify, so that the brain cannot expand. That is why the Negro child can learn early, but between the ages of 15 and 20 years he ceases to learn. Of course, if he has a little white blood in him he may go on a little further; but I am speaking of the real Negro.

Nor shall we say that the Negro is a "child race"—

That is the euphonic way some of our negrophilists put it—

for he is not, but a fully constituted, adult race, as much so as the Caucasian and the Mongolian. Also, away with the ignorance shown in the belief that "each dog will have his day" as applied to the races. When shall the Bushman, the Hottentot, and the Pygmy assume world sovereignty? When the red Indian, the Aino, and the Eskimo? The "races" that have had their day were white. And let us dismiss the unwarranted assumption that environment will directly and immediately affect heredity.

Many negrophilists think that environment will affect heredity in the Negro. In other words, give him social opportunities, give him the advantage of education, give him

the advantage of the cultured life, give him all the finer things that go with the cultured life, and after a while the Negro will be just as smart and creative and as much a genius as is the white man. Try it and see what the outcome will be. When you get through you have the same Negro you started with.

Heredity may be affected in but one way—congenitally. You may breed a superior type of Negro by selective mating, just as you may breed a superior type of Caucasian by the same process; but no amount of imitation will instill a creative instinct or capacity into the Negro, nor will education or sympathetic aid of any kind.

In other words, all intelligent people know that we can improve our race physically. We can by the proper breeding develop a race of tall men, broad men, and strong men, of vigorous and virile men; that may be done, and I do not know but that it ought to be encouraged. So, by proper mating and proper breeding, Negroes can be developed of larger physique, stronger, taller, broader in the shoulders, with larger feet, larger hands, and longer legs. That can all be done by interbreeding, but it cannot effect something in the cranium that is responsible for the creation of the civilization that blesses and uplifts the human race to better things in this world. Let the negrophilists get such things out of their systems.

In dealing with the Negro problem we must accept the Negro as a Negro—

And I am telling the Senate all the time that I do not dislike the Negro; I like him perhaps better than some of those who would vote for this bill. I am trying to be his friend; I am offering a solution—

And adapt our program accordingly. Six thousand years of history are sufficient to enable us to gage his abilities and his probabilities. He has abided at a low cultural level during this period, and we should not endanger our future by attributing capacities to the Negro above his proven worth. Nor are we to take the Negro's estimate of his own value. English writers tell us that when the European carries civilization to the backward races, these latter look upon the white men as gods and their culture as the handiwork of the gods. But a generation of them grow up amidst this culture and look upon it as their own. They claim a share in its control and end by asserting that they are superior to the white man. This is so in South Africa, and is equally so in the United States, where the gravity of the situation is further accentuated for the reason that the ignorant and credulous freed men have no adequate conception of their shortcomings. Devoid of discernment and sober judgment, they pose as the peers of their immediate fellow citizens, such is their colossal conceit, and are imbued with the belief that the people of the North stand ready to support and defend them in these pretensions.

From the standpoint of our civilization, and we should not be affected by any other consideration, the Negro problem is that of daily contact with a race that has no high material history, and whose spiritual history is not in harmony with our own, not merely the enforced contact with this race, but with its increasing millions. We are bequeathing to posterity the greatest burden that civilization may know—millions upon millions of an alien race whose increase will spread over the United States.

I appreciate the fact that a great many of our tender-hearted, sympathetic white fellow citizens will rebel at the suggestion that we buy the property of the Negroes of this country and make arrangements for them to be repatriated to their native land in Africa. They may say that would be such a hardship that it is too cruel to talk about. Well, why should they become so sympathetic and so humane at the suggestion? Their fathers and grandfathers cleared this country of the red man. They did not ask the Indian whether he wanted to move from Mississippi to Indian Territory; they did not ask the Indian whether he wanted to move from Tennessee out to the West; they did not ask the Indian whether he should be moved from Iowa on to the Dakotas. As a white man's government, they proceeded to pick the Indian up and move him by force. They did not try to persuade him. They said to him, "Come in and make a treaty and sign the terms, because it is moving day for you." They cleared the Indians out of the country. If we are now enjoying a country as the result of our fathers' and our grandfathers' action in moving the Indian, who had been here long before Christopher Columbus ever saw Amer-

ica, if we are enjoying the blessings of this country because our fathers and grandfathers were ruthless enough to protect us and our loved ones by giving us the country without fear of molestation or having to live side by side with another colored race, then why should objection be made when I now suggest that, in a peaceful way, in a humane way, in a sympathetic way, we provide the terms upon which and the money with which this unfortunate race shall be moved or repatriated to their fatherland? I repeat—and I wish every newspaper in America would carry the statement—we can take our choice; we must either repatriate the Negro to his fatherland, or this country will suffer amalgamation, and we will have a race of mongrels in the years to come. Whether we like it or not, it is true, and all history proves it to be true.

Oh, but some people are so ready to be satisfied with conditions as they obtain now. Oh, it will not happen in my lifetime or your lifetime, Mr. President. No; we will get by; we will be safe. But is that wisdom; is that foresight; is that statesmanship? We are supposed to establish policies; we are supposed to inaugurate movements in the Government that will affect the welfare of our kind and our children and our children's children on down through the years, and if we fail to do what we should do when we can do it, then we are criminally responsible, and if we do not know what to do, it is our business to find out what to do. There is only one lamp for us to be guided by to give us the light, and that is the lamp of experience, and the experience of 10,000 years demonstrates that the statement I make is true, a thousand times true.

We would do no violence to our Negro friends. We really would do them a kindness. We would give them a chance to work out their own salvation; we would free them from discrimination; we would free them from all abuses, even the abuse complained of by this very bill that is now pending before the Senate. Oh, no; some newspapers and some public men will pooh-pooh the idea, and say it will not do, it is foolishness, because they are afraid it might hurt their business, financial, political; certainly not social.

Let us analyze this burden. We will not overlook the fact that the Negro in his future millions will, by his numbers alone, limit the possibility of the increase of just so many whites, nor will we overlook the further fact that his presence is to Africanize American activities and ideals, even if the races remain separate, though we know that they will not. But here in this instance we shall consider the Negro as a depressing influence and actual burden upon the Nation in the struggle for advancement in all lines, political, economic, and social.

I remember, the other day, when my distinguished friend and colleague from Louisiana [Mr. ELLENDER] was discussing this question, he laid great emphasis upon the fact that the progress and development of the South had been retarded because of the presence of the Negro; and that is true. I agree with him, because the Negro has been an hindering influence in the industrial and material development of the entire South.

Sociologists tell us that human desires fall under one or another of six grand divisions. They designate these divisions as "the interests." They say that "an interest is an unsatisfied capacity, corresponding to an unrealized condition, and it is predisposition to such rearrangement as would tend to realize the indicated condition." The six interests which cover all the desires and aims of mankind are asserted to be those of health, wealth, sociability, knowledge, beauty, and rightness.

I want to repeat those interests:

The six interests which cover all the desires and aims of mankind are asserted to be those of health, wealth, sociability, knowledge, beauty, and rightness. Three of these may call for definition. "Sociability" is that interest utilized in harmonizing human relations, in escaping social friction. "Beauty" is understood when it is learned that this interest applies to the development of the fine arts. "Rightness" applies to the securing of justice and includes the religious interest as well. The degree of national progress is conditioned upon the degree of realization of "the interests"—

Which I have enumerated. In other words, we make progress, we reach higher levels of development of civilization, as we seek and attain these great interests—health, wealth,

sociability, knowledge, beauty, and rightness. There is no such thing as perfection here on earth; but we can struggle toward the attainment of the ideals, and in doing that we become more and more cultured and civilized.

In this connection, I desire to emphasize the fact that we are striving, especially at this time, to attain that high degree of rightness, of righteousness. Sometimes the future looks dark and gloomy. We are today confronted, in reading every daily newspaper, with records of crime throughout this great Christian, civilized country of ours. I do not look upon crime as a great many of my associates and fellows do. I have always believed that we could contribute to the decrease of crime if we knew how properly to treat crime. I believe that anywhere from 50 to 75 percent of the crime which is committed in this country could be prevented if we knew how to treat the criminal or the individual charged with crime. In other words, from 50 to 75 percent of the crime is due to the abnormal condition of the man or woman who commits the crime. It is due to a mental disturbance, or to a nervous trouble, or to a physical ailment; and before I leave my office as United States Senator I plan to introduce in Congress a bill for the establishment of a national sanatorium, laboratory, institution, or whatever it may be called, where there shall be gathered together the great psychiatrists, the great criminologists, the great psychologists of the Nation, who there shall experiment with and treat men who are addicted to repeating crime, because I believe that from 50 to 75 percent of the crime committed in this country is committed because of nervous, mental, or physical ailments. Some day, when we become more civilized, when we become more cultured, when we achieve a higher degree of the six interests I have outlined to you, instead of sending a man who has committed a crime to the penitentiary or to jail, we shall send him to a hospital for treatment. We ourselves are not civilized. We have just started to become civilized. We are in our infancy. We have not yet begun to reach the great heights of culture and the attainment of the six interests I have outlined.

I repeat that some day we shall look back upon this age, and our present method of treating crime, as almost barbarous and the men who are operating the courts of justice in trying to deal with crime will be looked upon almost as savages, because of our ignorance of the proper method of treating those who are guilty of committing crime; for I repeat that no civilized, normal human being is going to commit crime. A man has to be unbalanced in order to be a criminal.

The trouble with the Negro who is guilty of the unthinkable crimes that are sometimes committed is that he is abnormal. He is not normal. He has no reason for committing crime. The sutures of the skull have ossified, and the brain has stopped growing and expanding, and the passionate animal instincts are developed to such a high point that they overcome what little reason the childlike member of the Negro race has, and he commits the awful crimes in retribution for which the white man, in his desire to sustain white supremacy and protect his womankind, sometimes does things that he ought not to do; namely, destroys the perpetrator of crime.

We present here the interests as given in General Sociology (Albion W. Small), with arbitrary selections from their subdivisions. Comment upon the Conspectus of the Social Situation will be superfluous, for our purpose is but to show that the Negro is not and cannot be a factor in national progress.

He is an obstacle; he is in the way; he retards progress; and as the Negroes multiply and become more and more numerous, they will more and more drag down our progress and our civilization to lower levels.

With regard to the inauguration of new institutions, the Negro's influence will be nil. The inquiry for the reader, then, is not what will the Negro contribute to social progress, but how much burden will be upon the Caucasian in the latter's struggle to progress? The degree in which the Negro lags behind the Caucasian in creating and applying the material and spiritual agencies of progress will constitute the white man's burden—a burden which is to forever thwart the Nation in the attainment of those cultural heights warranted by Caucasian capacity and purpose.

In other words, the Negro has not only been a burden and a drawback to the development of the South in every particular, but he now is and he will increasingly become, as his population increases in the North, an obstacle to the development of our friends in the North. Wherever he is, he operates as an influence slowing down progress, delaying the day when we shall reach the great heights of culture and civilization that some of us dream about but which we are still a long way from attaining; when we shall reach those great interests that I have just been talking to you about, interests that are necessary before we shall attain that great day when our civilization will be the crowning work of the human race.

We are told that the Negro is with us to stay, that the Negro problem will solve itself, that if the white man be quiescent, God will solve the "race question."

Mr. President, that seems to be the attitude of some of my distinguished colleagues. They think that God Almighty is going to solve the race question for them. Some of them may think that if they can pass the pending bill they will be reelected, and that will be about the limit of God's assistance in their particular cases. I doubt whether God will have anything to do with that. In other words, there are some people who want to let things drift on.

We would expect the quiescent platitudinarians, who lull the creative element in American civilization to sleep while the noncreative element is increasing by millions, to add one more platitude and tell us that "God helps those who help themselves," but they do not. Such would be the only sensible platitude they have uttered, but it would defeat their purpose.

Yes, there is an old saying that "God helps those who help themselves." I believe in that. God will help those who help themselves, and here we are face to face with this great burden, which is already retarding the progress and slowing down the development of our own civilization, just as it has slowed down the progress of the Congress for all these weeks, as we spend the people's money in fighting this monstrous proposition. But as a matter of fact we, the so-called filibusterers, are rendering a distinct service to the majority on the floor of the Senate. Of course, our Negro friends must not be let in on that. We are saving our friends from a vote which they do not want to cast, for I do not hesitate to say, and I am willing to put it in the RECORD, and I will tell it to the country, that if we would call this bill up tomorrow morning, with 96 Senators on the floor, and take a secret ballot, so that no constituent back home, octoroon, quadroon, mulatto, or mongrel, would ever know how a Senator voted, I do not hesitate to say that this damnable, undemocratic, un-American, unspeakable, pusillanimous, outrageous bill would not get 10 votes on the floor of the Senate. So we, the Southern minority, so-called raiders, Ku Kluxers, filibusterers, are really rendering an acceptable service to our colleagues, on the other side of this proposition.

They know it is unconstitutional, they know it is un-American, they know it is un-democratic, they know it is in violation of our great scheme of government. They know it is a direct invasion of States' rights, they know it is an entering wedge that will break down and destroy State lines, and which will more and more put the centralized concentrated government in Washington in control of local domestic affairs in the 48 States of this Union. They know all that, and they are happy we are saving them from having to cast a vote which they do not want to cast. They know that we are right in our contention. Our knowledge that we are right is our reason for keeping up the fight. I said I would fight for 30 days; I did not mean that, I meant 60 days.

The late A. H. Keane, foremost among British ethnologists, in reviewing the publication of Dr. R. W. Shufeldt, *The Negro*, said of those Americans whose Negro policy would sacrifice the white race and its civilization in preference to separating the races: "On this aspect of the question I read almost with terror the warning note raised by Dr. Shufeldt, who tells us that 'there are plenty of people in this country of ours who would far rather see the entire white race here rotted by heroic injections into

their veins of all the savagery and criminality there is in the Negro than have any number of the latter in any way inconvenienced by their being returned to the country from which their ancestors came.' Such fanatical regard for the susceptibilities of a race which, after all, is entitled to scant respect, becomes a crime against humanity and, if persisted in, would end in national suicide. Surely they cannot shut their eyes to the deadly result of miscegenation in Latin America.

In other words, as Dr. Shufeldt says, there are some people in this country, controlled either by a desire for political advantage or controlled by desire for financial advantage or controlled by misguided information which comes through the teachings of some negrophilist in this country, who would be willing to see the civilization and the welfare of the white man in America destroyed eternally and forever rather than be bold enough and courageous enough to speak out to the world their convictions and help do the thing that would avert this great catastrophe to the American people and to our civilization.

Dr. Shufeldt is a northern man, a former member of the Medical Corps of the United States Army, and a naturalist of profound learning. His experience with the Negro has extended to all the Southern States and to the West Indies. During the 50 years of his scientific observation of the Negro, he has accumulated a knowledge of that race second to none other. His publication, *America's Greatest Problem—the Negro*—contains the epitome of the results of his years of investigation.

It might be profitable if some of these negrophilists and profiteers upon the Negro, both politically and financially, would get that book and read it.

He makes it clear to us that if the Negro remains in the United States the future American is to be a mongrel and the future civilization reduced to the level of the mongrel.

There are some distinguished Senators on this floor, some who would pose as statesmen, as leaders, in this great white man's country, who are so much concerned about their immediate success, their immediate progress politically, that they do not give a continental dried-apple damn what becomes of the American people and the American civilization just so long as they are saved during their lifetime. They would not do anything to save our civilization, to save our culture, to save our race, if they thought it would in any way jeopardize their welfare. There are many people in this country of that kind.

Let us compare the solutions offered by our time-serving or ignorant demagogues with those of our greatest statesmen, men whose statesmanship and prophetic vision have withstood the test of time and events.

There is quite a difference between a politician and a statesman. A politician will say anything, will do most anything, for the benefit of immediate success. That is all he can see; that is as far as he can see; that is as far as his interests will extend. On the other hand, a man who is a real leader and real statesman cares not for the immediate effect upon himself if he is once convinced that a course is right and will result in good to his country.

In company with these great Americans, let us visualize the future. If we cannot peer into the years before us and see the burden upon our children and our children's children, we are not qualified to deal with the Negro problem. Men die; man lives on. We must look to the future. This visualization is essential at the present time, for a race problem is of such insidious nature as to be realized by the mass at such late date as to render its effective solution an impossibility.

If we waited until 100 years from now, and should then suggest the repatriation of the Negro race in Africa, and offer to carry the Negroes back to their native land, it might be impossible, because by that time there will be so many mongrels in this country, there will be so much amalgamation, there will be so much intermarriage, there will be so much illegitimate breeding, that it might materially affect the population of this country if we were to transport to Africa all those who had a drop of Negro blood in them.

Jefferson, the most far-seeing of our statesmen, foretold that we awaited separation of the races or their amalgamation.

It is amusing to me to hear some of my Democratic friends at Democratic dinners make their Democratic speeches,

and quote Thomas Jefferson, the father of the Democratic Party, how they bear down upon his wisdom, his vision, and his statesmanship; yet they pass over with very little consideration Jefferson's most positive declaration, that thing about which he was most vehement, which was that we must have separation, that there should be a repatriation of the Negro, or the result would be complete amalgamation. They pass that over with very little consideration and really do not have anything to do with it.

We have seen how his analysis is true; that it agrees with every instance in the contact of races during the 60 centuries of written history. When the Negro numbered but 1,000,000, the fathers of the Republic had already foreseen the gravity of the race problem, and they knew that not the problem of slavery but that of the Negro—his physical presence—whether slave or free, was a menace to our race and institutions.

That was the problem. The fathers of the Republic were not talking about slavery, but they were talking about the fact that the Negro is of a different race; but, whether in slavery or in freedom, he was living here side by side with the white race. That was the problem.

I notice some of my Republican friends on the other side of the Chamber look upon Abraham Lincoln as the great leader of the Republican Party, the father of it, in a way. They quote from Abraham Lincoln with great gusto; they quote from his Emancipation Proclamation; yet when they come down to this serious problem of what we shall do in solving the race problem in this country they pass over all that Lincoln had to say as though his words were not worth anything at all, and they question his wisdom. Why? Because selfish interest steps in. They are not free to speak up and declare their conviction to the people whom they are attempting to lead. I say again that a leadership which does not lead is not worthy of its name. The leader who does not live up to his convictions, who does not follow the course laid out by his convictions, because he is afraid that to do so will not strike a popular chord, will sooner or later be relegated to the background—he will be forgotten—because he does not have the courage of his convictions.

Many leaders will follow the crowd because it is a crowd when he knows in his heart that what he is doing is wrong, and when the crowd finds out that he is wrong they will condemn him. They will say, "You aspired to lead. Why did you not lead right?"

I continue to read from *White America*.

Nothing is more certainly written in the book of fate than that these people are to be free; nor is it less certain that the two races, equally free, cannot live in the same government. Jefferson repeatedly pointed out that the problem of Negro slavery was but a phase of the Negro problem; that if the slaves were freed, the freedmen would remain. Jefferson believed that separation was possible and imperative.

Henry Clay—

I wonder which one of the States Henry Clay came from and if there are left in that State any of his kind—

Henry Clay was a lifelong advocate of the necessity of removing the Negro from America. He, like Madison, Monroe, and numerous other foremost Americans, from both North and South, became an active supporter of the American Colonization Society, the purpose of which was to return the freed Negro to Africa and which succeeded in founding the Republic of Liberia, the ruling class of which is of American origin.

Twenty thousand workers were sent over to Liberia even before slavery was abolished in this country.

Thank God for the day it was abolished. Listen to what Daniel Webster said:

Webster came to the point when he said, "If any gentlemen from the South shall propose a scheme to be carried on by this Government upon a large scale, for their (the Negroes') transportation to any colony or to any place in the world, I should be quite disposed to incur almost any expense to accomplish that object."

That is a statement Daniel Webster made in a speech delivered March 20, 1850. If Daniel Webster, who hailed from New England—dear old Boston—back yonder in 1850, was ready to shake hands with the South and say that if any scheme could be evolved by which the Negro could be repatriated to his fatherland, he would gladly concur in it,

then why cannot those who have come after him, who aspire to be leaders, and who aspire to have the reputation of trying to conserve and preserve American ideals, institutions, culture, and civilization—why cannot they join hands with the South and say, "We are ready to enact whatever legislation, constitutional or statutory, is necessary to do the Negro the real kindness of repatriating him. We will buy half of Africa if necessary, and give him plenty of country in which to work out his own salvation."

Lincoln, in response to a question by Stephen A. Douglas, with whom he was having a debate, used these words:

I will say, then, that I am not, nor ever have been, in favor of bringing about in any way the social and political equality of the white and the black races—that I am not, nor ever have been, in favor of making voters or jurors of the Negroes, nor of qualifying them to hold office, nor to intermarry with white people; and I will say in addition to this, that there is a physical difference between the white and black races which I believe will forever forbid the two races living together on terms of social and political equality.

Those are the words of Abraham Lincoln in a speech delivered September 18, 1858. Those were Abraham Lincoln's convictions then, and after he became President of the United States he never retracted these declarations.

Mr. CONNALLY. Mr. President, will the Senator yield to me for a question?

Mr. BILBO. I yield.

Mr. CONNALLY. Is it the purpose of the Senator to conclude his remarks this afternoon, or does he intend to go on tomorrow?

Mr. BILBO. I am ready to speak for 30 days. However, if the Senate desires to recess at this time I shall be glad to have a recess taken if by unanimous consent I shall be permitted to continue my remarks tomorrow.

Mr. BARKLEY. Will the Senator continue for a few minutes?

Mr. CONNALLY. At this stage why does not the Senator from Mississippi ask unanimous consent that when the recess is taken it shall be done with the understanding that the Senator has not lost the floor?

Mr. BILBO. I ask unanimous consent that when the Senate takes a recess today I shall continue to have the floor in order that I may continue my remarks tomorrow.

Mr. CONNALLY. That the recess be taken without the Senator being taken off the floor.

Mr. BILBO. Yes. I make the unanimous-consent request that if a recess is taken I shall be regarded as holding the floor.

The PRESIDING OFFICER (Mr. CHAVEZ in the chair). Is there objection to the unanimous-consent request of the Senator from Mississippi? The Chair hears none.

Mr. BILBO. I am indeed gratified and happy over the attitude of the Senate.

Mr. BARKLEY. Mr. President, I had waited a few minutes to see if the housing measure would come back from the House to be signed. It is impossible to get it back at this time, so if the Senator from Mississippi will suspend at this point I will move an executive session.

Mr. BILBO. I shall be glad to do so.

EXECUTIVE SESSION

Mr. BARKLEY. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE REPORTS OF COMMITTEES

Mr. TYDINGS, from the Committee on Territories and Insular Affairs, reported favorably the nomination of Edward W. Griffin, of Alaska, to be secretary of the Territory of Alaska.

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported favorably the nominations of sundry postmasters.

He also, from the same committee, reported adversely the nomination of Mahlon F. Drake to be postmaster at Highlands, N. J., in place of J. P. Adair.

Mr. SHEPPARD, from the Committee on Military Affairs, reported favorably the nomination of Chaplain (First Lt.) Morris Eugene Day, Chaplains' Reserve, to be chaplain in the Regular Army with rank from date of appointment.

He also, from the same committee, reported favorably the nominations of sundry officers for appointment, by transfer, in the Regular Army.

Mr. PITTMAN, from the Committee on the Judiciary, reported favorably the following nominations:

Lawrence S. Camp, of Georgia, to be United States attorney for the northern district of Georgia; and

George J. Keinath, of Ohio, to be United States marshal for the northern district of Ohio.

Mr. O'MAHONEY, from the Committee on the Judiciary, reported favorably the following nominations:

Benjamin B. Mozee, of Alaska, to be United States marshal for the second division, district of Alaska; and

Albert A. Sanders, of Wyoming, to be United States marshal for the district of Wyoming.

Mr. VAN NUYS, from the Committee on the Judiciary, reported favorably the nomination of Charles R. Price, of North Carolina, to be United States marshal for the western district of North Carolina.

Mr. LOGAN, from the Committee on the Judiciary, reported favorably the nomination of Marcus Erwin, of North Carolina, to be United States attorney for the western district of North Carolina.

Mr. NEELY, from the Committee on the Judiciary, reported favorably the nomination of Joe V. Gibson, Esq., to be United States attorney for the northern district of West Virginia, vice Howard L. Robinson, resigned.

The PRESIDING OFFICER (Mr. CHAVEZ in the chair). The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state in order the nominations on the Executive Calendar.

THE JUDICIARY

The legislative clerk read the nomination of William R. Smith, Jr., to be United States Attorney for the western district of Texas.

Mr. BARKLEY. I ask to have the nomination passed over.
The PRESIDING OFFICER. Without objection, the nomination will be passed over.

DIPLOMATIC AND FOREIGN SERVICE

The legislative clerk proceeded to read sundry nominations in the Diplomatic and Foreign Service.

Mr. BARKLEY. I ask unanimous consent that the nominations in the Diplomatic and Foreign Service be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations in the Diplomatic and Foreign Service are confirmed en bloc.

POSTMASTERS

The legislative clerk proceeded to read sundry nominations of postmasters.

Mr. BARKLEY. I ask unanimous consent that the nominations of postmasters on the Executive Calendar may be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

IN THE NAVY

The legislative clerk proceeded to read sundry nominations for promotions in the Navy.

Mr. BARKLEY. I ask unanimous consent that the nominations for promotions in the Navy may be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations for promotions in the Navy are confirmed en bloc.
That concludes the Executive Calendar.

RECESS

The Senate resumed legislative session.

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 49 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, February 2, 1938, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate February 1 (legislative day of January 5), 1938

PROMOTIONS IN THE DIPLOMATIC AND FOREIGN SERVICE

TO BE FOREIGN SERVICE OFFICERS OF CLASS 2

Maynard B. Barnes	Joseph F. McGurk
William C. Burdett	Robert D. Murphy
Nathaniel P. Davis	Myrl S. Myers
John G. Erhardt	Harold H. Tittmann, Jr.
Carol H. Foster	Avra M. Warren
Charles Bridgman Hosmer	Orme Wilson
Paul R. Josselyn	

TO BE FOREIGN SERVICE OFFICERS OF CLASS 3

Willard L. Bèaulac	Edward M. Groth
William P. Blocker	George D. Hopper
Howard Bucknell, Jr.	H. Freeman Matthews
Richard P. Butrick	Rudolf E. Schoenfeld
Cecil M. P. Cross	George P. Shaw
Hugh S. Fullerton	Howard K. Travers

TO BE FOREIGN SERVICE OFFICERS OF CLASS 4

Hiram A. Boucher	Laurence E. Salisbury
Herbert S. Bursley	Lester L. Schnare
Curtis T. Everett	Edwin F. Stanton
Raymond H. Geist	Fletcher Warren
Stuart E. Grummon	Samuel H. Wiley
Loy W. Henderson	

TO BE FOREIGN SERVICE OFFICERS OF CLASS 5

John H. Bruins	Marcel E. Malige
Selden Chapin	Samuel Reber
Herndon W. Goforth	Frederik van den Arend
George F. Kennan	Angus I. Ward

PROMOTIONS IN THE NAVY

Forde A. Todd to be rear admiral.
Franklin Van Valkenburgh to be captain.
Vance D. Chapline to be captain.
Frank A. Braisted to be captain.
Mark C. Bowman to be captain.
John J. Ballentine to be commander.
John R. Sullivan to be commander.
John D. Alvis to be commander.
Clifton A. F. Sprague to be commander.
Harold Biesemeier to be commander.
Franklin O. Johnson to be lieutenant commander.
Woodson V. Michaux to be lieutenant commander.
George E. Nold to be lieutenant commander.
William F. Jennings to be lieutenant commander.
Jesse R. Wallace to be lieutenant commander.
Bradford Bartlett to be lieutenant commander.
Frank R. Walker to be lieutenant commander.
John J. O'Donnell, Jr., to be lieutenant commander.
Henry F. Ripley to be lieutenant.
William J. Galbraith to be lieutenant.
Augustus R. St. Angelo to be lieutenant.
Charles F. Phillips to be lieutenant.
James A. Adkins to be lieutenant.
Harvey P. Burden to be lieutenant.
Gilbert C. Carpenter to be lieutenant.
Frank B. Miller to be lieutenant.
Joseph L. LaCombe to be lieutenant (junior grade).
Denis H. Biberse to be lieutenant (junior grade).
Charles R. Ware to be lieutenant (junior grade).
John F. Luten, to be surgeon.
Murphy K. Cureton to be passed assistant surgeon.
Richard S. Silvis to be passed assistant surgeon.
Charles L. Strain to be civil engineer.
Robert H. Meade to be civil engineer.
Lewis C. Cox to be assistant civil engineer.
William C. G. Church to be assistant civil engineer.

Richard L. Mann to be assistant civil engineer.
 Albert E. Stone to be chaplain.
 Cecil E. Dowling (and not Dawling) to be chief boatswain.
 Wilbur D. Platt to be chief boatswain.
 Harvey M. Anderson to be chief boatswain.
 Frank Guthrie to be chief boatswain.
 Francis P. Moran to be chief boatswain.
 John J. O'Brien to be chief boatswain.
 Jack Seward to be chief carpenter.
 Samuel W. McGovern to be chief gunner.

POSTMASTERS
 CALIFORNIA

John E. White, Banning.
 Dina M. Tobin, Cutler.
 Chester W. Seely, Hamilton Field.
 Charles D. South, Jr., Santa Clara.
 Robert H. Frost, Sausalito.
 John E. Johnson, Weott.

ILLINOIS

Oscar E. Bantz, Fithian.

LOUISIANA

Joseph M. Blache, Sr., Hammond.
 Charles W. Carson, Pitkin.

MISSISSIPPI

Annie K. Mauldin, Water Valley.

NEBRASKA

Louis F. Kreizinger, Bellwood.

NEW YORK

Eva Purcell, Barryville.
 Grace S. G. Davies, Lake Kusahaqua.
 Clarence T. Cahill, Palisades.
 Edward G. Watts, Silver Bay.

UTAH

Telma I. Sorrell, Fort Douglas.
 Paul G. Johnson, Grantsville.

WEST VIRGINIA

Mabel M. Messinger, Branchland.

HOUSE OF REPRESENTATIVES

TUESDAY, FEBRUARY 1, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Almighty and most merciful Father, whereby are given unto us exceeding, great, and precious promises, inspire us to give them all diligence, adding to our faith virtue and to our virtue knowledge. O Lord God, how beautiful are all Thy works. In wisdom Thou hast made them all. The earth is full of Thy riches. May we hallow Thy name with praise and gratitude. Speak words of loving cheer. Leave no opportunity unimproved to serve others. Stand close beside us, Heavenly Father. Today let duty have no uncertain flame, but in its performance may our country look and find merit. Oh, fill us with the spirit of the Master, as we remember what the Lord hath done. In His holy name. Amen.

The Journal of the proceedings of yesterday was read and approved.

EAT-MORE-MEAT CAMPAIGN

Mr. NELSON. Mr. Speaker, I ask unanimous consent to address the House for a minute.

The SPEAKER. Is there objection?
 There was no objection.

Mr. NELSON. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection?
 There was no objection.

Mr. NELSON. Mr. Speaker, today in Chicago there is being held a meeting for the purpose of promoting increased interest in livestock production for the benefit of stockmen and farmers. Every Member of Congress ought to feel that he has a stake in this meeting—and I mean no play on words—whether representing a country or a city district. All business depends to a great degree upon agriculture. Permanent agriculture depends upon soil fertility, and without livestock we cannot maintain the fertility of the soil.

The Chicago meeting, then, has no narrow or selfish objective. Its benefits will not be confined to a few. It is not just for the producers, processors, and marketers of meat. In fact, it fits perfectly into the important and far-reaching conservation program of our great President. Advance information as to the meeting indicated that among those in attendance would be heads of more than a score of railroads, editors of farm papers, president of the National Association of Manufacturers, representatives of hotel and restaurant associations, wholesale and retail meat dealers, officers of agricultural associations, and many others interested in the livestock industry.

I say that all of us ought to feel a real personal interest in this meeting, for there is not a congressional district in the United States where meat is not produced or eaten. To one unfamiliar with the livestock and meat business the figures are so big as to be almost unbelievable. Year in and year out the people of the United States eat about 16,000,000,000 pounds of meat annually.

In eight States meat packing is the largest manufacturing industry. These States are Illinois, Iowa, Minnesota, Kansas, Nebraska, Missouri, Colorado, and South Dakota. In 1935, the last year for which I have been able to secure Government figures, the meat-packing industry turned out products valued at more than two and a third billion dollars.

Of all the tillable land in the United States, more than two-thirds of it is given over to the production of livestock or in growing feed for animals bred and fed on the farms. About 25 percent of the farm income is derived from meat animals. Almost five and one-half million farms out of a national total of nearly 7,000,000 were reported by the census as having some cattle, with approximately one and one-half million farms producing beef cattle. Hogs were grown on nearly 4,000,000 farms, and sheep on nearly two-thirds of a million.

Nearly one-sixth of the 900,000 people engaged in manufacturing foods and kindred products in 1925 were employees of meat-packing plants. In addition, it is estimated that some 240,000 persons are engaged in selling meat. Then, there are the many engaged in railroad work, trucking, at the stockyards, and in commission houses. Nor should we forget those who supply the salt and sugar and much else that enters into the sale of meat. Just here I would remind you that when we buy meat we get meat for every cent of our money, not one fraction of which goes for fancy packages or containers.

Somebody asks, "Why an eat-more-meat campaign? Why interest ourselves in the livestock farmer when prices for hogs, sheep, and cattle are so very much higher, in many instances more than double, than before the beginning of the present administration?" I am glad to answer that question. While on yesterday in Chicago top hogs were \$9 per hundredweight, cattle the same, and top lambs \$8, the cost of producing these meat animals, owing to the high price of corn, due to devastating drouths, has been unusually high.

A few months ago, when cattle, for instance, were selling at a little profit to the producers and when meat prices were not out of proportion, a lot of folks in the big cities proposed a boycott, as foolish and unjustified a movement as one could imagine. It was not the first time that a boycott had been proposed. Some 20 years ago, when I was assistant secretary of agriculture for Missouri, meat boycotts were proposed in a number of large cities, the agitators perhaps being the fathers and mothers of some of those who are today, without complaint, paying more than the price of

a pound of the best steak merely to gratify some whim or fancy. What I said at that time, and from which I quote, is as true today:

While prices for farm produce are high, the cost of production, due to decreased acre yields and other influences over which the farmer has no control, is also high. Were it not for the somewhat higher prices now prevailing, prices which in most instances do not cover the increased cost of production, every pound of beef or pork, every pound of butter, every quart of milk, and every dozen of eggs sold would represent a loss. In view of the proposed boycotts on many food products, due to lack of understanding or to conditions for which the farmer is in no way responsible, there is grave danger lest farmers, fearing for the future, dispose of much of their breeding stock and curtail operations generally. This they may do instead of engaging more extensively in livestock farming, dairying, poultry raising, and kindred activities. These are facts worthy of the most thoughtful consideration.

Commenting on my boycott observations, the Kansas City Daily Drovers Telegram of December 23, 1916, said:

After reading this succinct statement of the position of farmers in the present food situation, every farmer and every urbanite who understands farm conditions will be led to hope that some means will be devised to enable all food consumers to gain knowledge of the facts contained in Mr. NELSON's outline of the dangers of the food-boycott agitations. There is, of course, more or less selfishness in a majority of urbanites who buy food, but it seems that the facts presented by Mr. NELSON should convince even the most selfish food boycotters that they will lose instead of profit from their present campaigns.

The farmer is not being injured seriously by the unintelligent agitators who are starting food boycotts, but it is not pleasant to the producer of any class of food to be embarrassed by insinuations against them and their agents. And it is not desirable that farmers would be put in a position of doubting the willingness of those who need their food to buy it in open and fair competition. When a drought and other factors for which the farmer is not responsible advance food, the farmer rightfully expects the consumer to pay the higher price which results. If the consumer shows signs of attempting to depress what the farmer sells, while getting high prices for what the farmer buys, the production of farms will diminish and the consumer will suffer. The consumer must therefore be enlightened.

This leads me to speak of meat prices in Washington today. I quote:

Round steak, 30 cents per pound; porterhouse, 37 cents; chuck roast, 19 cents; leg of lamb, 21 cents; shoulder of lamb, 15 cents; select pork chops, 27 cents; bacon, 29 cents; and fresh shoulder, 20 cents.

What do these prices, much lower than a short time ago, mean? Briefly, they mean that of all food there is no better buy than meat—clean, good, nutritious meat, fine for all the family.

Scientifically speaking, what of meat in the diet? I answer that meat is such an outstanding food that the Council on Foods of the American Medical Association has approved the statement that "meat contains a combination of highly desirable and necessary food elements and provides various food values which your diet should have." Dr. F. V. McCollum, the noted nutrition expert, includes meat among the most valuable supplementary or insurance foods. Dr. Campbell, of the Department of Medicine at the University of Toronto, has called attention to the dangers that might result from diets too low in protein. Dr. Irving S. Cutter, of the Northwestern University School of Medicine, another distinguished authority, points out that nothing is so certain to result unsatisfactorily as a diet from which meat or some other essential food has been eliminated.

It is a pleasure to quote eminent authorities on meat as a food, and especially so because of sensational and too often selfish, derogatory statements to the contrary. Not only did nature provide meat animals as a source of good food, but careful handling and strict Federal inspection keeps this finest of food so. It is safe to eat more meat. It is sensible. It makes for good health. It is good business.

I say it is good business to eat more meat—good business for the farmer and good business for the man in town. I say it, I mean it, and being "from Missouri," I want to show you.

I go back to what I said in the beginning. The farm is the basis of all permanent national prosperity. High prices for stocks will not do the job. There must be decent prices for stock, for livestock—cattle, hogs, and sheep.

When the country cannot buy, the city can no longer sell. And remember that it is not merely the price received by the

livestock farmer, but the purchasing power of the profit, which determines ability to pay. No profit, no purchasing power. Keep this in mind, society matrons, wives of merchant princes, if you please, before protesting meat prices.

A Corn Belt feed lot or farm may be a very small affair, but the output of all put together means something pretty big, big enough to influence favorably or adversely the business of the biggest city. Do not forget the feed trough and the fattening pen. Yes; and keep in mind prices, which, if ruinously low, must mean scarcity and higher prices for the future.

But let us get back to that eat-more-meat campaign inaugurated—"campaign" and "inaugurated" ought to be appealing words to you, my colleagues—in Chicago today. What of it? What can you and I do about it? Collectively speaking, we might ask the management of the House of Representatives restaurant here in the Capitol to see that daily until the end of this session meat be given a prominent place on the bill of fare. Wherever we eat our morning or evening meals we can order meat—and what is better than crisp breakfast bacon?

You and I may ask, "What can I do back in my district?" I answer that I can ask, and knowing the people of Missouri's Second Congressional District as I do, I feel sure that I will receive the active help of farm organizations, chambers of commerce, business and professional women's organizations, homemakers' clubs, domestic science groups, 4-H clubs, Future Farmers of America, Rotary, Lions, Kiwanis, and similar clubs—in fact, of practically every organization—in this worthy and so worth-while eat-more-meat movement.

Yes; I like this eat-more-meat movement. I like it because it proposes self-help and promises mutual benefits without asking a dollar in the form of Federal aid. It is sound. It will help everybody. It represents commendable cooperation. It will help both city and country.

INDIAN AFFAIRS

Mr. COCHRAN. Mr. Speaker, I ask unanimous consent to proceed for 1 minute to ask the majority leader a question regarding the program tomorrow.

The SPEAKER. Is there objection?

There was no objection.

Mr. COCHRAN. Can the majority leader tell us what legislation will be called up tomorrow?

Mr. RAYBURN. No; I cannot, except that the Committee on the Public Lands will have the call.

Mr. COCHRAN. Will the Public Lands Committee take up the entire day?

Mr. RAYBURN. That is their thought. They think it will take them all day to get through.

Mr. COCHRAN. I am very much interested in some bills that will probably be called up by the Indian Affairs Committee. That committee is going to have the call following the Public Lands Committee and I want to know what bills will be called up by the Indian Affairs Committee. If the chairman of the Indian Affairs Committee will give me this information he will save time, because if I do not get that information I propose to have some quorum calls to give me time to get my facts together. I intend to oppose some of the legislation that committee has reported.

Mr. RAYBURN. It is the intention to call only one committee tomorrow.

Mr. COCHRAN. I hope the chairman of the Indian Affairs Committee will advise the House, or the majority leader, a day in advance of the date his committee is called, of the bills he proposes to call up. I have no desire to delay consideration of the committee's bills, and if I am forced to have quorum calls it will be because I will need time to assemble facts in reference to bills. I have explained how that can be avoided.

RECEIPT AND DISTRIBUTION OF FUNDS BY VARIOUS GOVERNMENT AGENCIES

Mr. GIFFORD. Mr. Speaker, I ask unanimous consent to proceed for 3 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. GIFFORD. Mr. Speaker, I send to the desk a resolution which it is my purpose to introduce, and ask that the Clerk read it in my time.

The SPEAKER. Without objection, the Clerk will read.

The Clerk read as follows:

Resolved, That pursuant to the authority contained in the act of June 10, 1921 (U. S. C., title 31, par. 53 (B) directing the Comptroller General of the United States to make such investigations and reports as shall be ordered by either House of Congress, the Comptroller General of the United States is hereby ordered to investigate and report to the House of Representatives at the earliest practicable date full and complete information showing the receipt, disbursement, and application of funds of each and every agency, board, establishment, and corporation created by act of Congress or by Executive Order of the President since March 4, 1929, either as a separate entity or within the jurisdiction of an executive department, and the sources from which such sums were derived, whether by specific authorization, allotment, or allocation. Such report shall also show the several amounts recovered from time to time by agencies, boards, establishments, and corporations authorized by law or by Executive Order, to loan public funds, whether applied to the reduction of the public debt, the several sums so applied, if any, or whether deposited in the general fund of Treasury as receipts, and if so whether expended, the objects and purposes for which expended, and the authority of law for such expenditures.

The Comptroller General shall also investigate and report to the House of Representatives the method of bookkeeping and accounting in the Treasury Department and whether the so-called daily Treasury statement reflects adequately, accurately, and effectively the true condition of receipts and expenditures, and of the assets and liabilities of the United States, together with his recommendations of such changes in said method and in said daily Treasury statement as, in his judgment, he may deem necessary and desirable in the interest of greater economy and efficiency in public expenditures and of more accurate information for the use of Congress and the public.

Mr. GIFFORD. Mr. Speaker, this resolution has been offered not at the instigation or with the knowledge of the Comptroller General. It is simply following out the ideas that I have often expressed on this floor, namely, that we may get a proper evaluation of the securities owned by the United States Government. In a letter from the Budget Director of the United States, he states that no attempt is made by the Treasury to evaluate the securities they own. The capital stock of these various corporate devices, together with the allocation of the now dissipated R. F. C., should be evaluated that a true picture of recoverables shall be presented to the American people.

EXTENSION OF REMARKS

Mr. WOODRUM. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and to include therein a letter from the Virginia State director of the National Youth Administration on the program in that State.

The SPEAKER. Is there objection?

There was no objection.

Mr. LEWIS of Colorado. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD.

The SPEAKER. Is there objection?

There was no objection.

Mr. WHITE of Ohio. Mr. Speaker, I ask unanimous consent to extend my remarks and to include therein a letter I have written to one of my constituents expressing my views on farm legislation.

The SPEAKER. Is there objection?

There was no objection.

Mr. SHAFER of Michigan. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD relative to a campaign being conducted at the present time to create a better understanding among the workers of this Nation with American business methods and also to include certain comments made by one or two editors from my State.

The SPEAKER. Is there objection?

There was no objection.

Mr. DOUGLAS. Mr. Speaker, I ask unanimous consent to extend my own remarks and to include therein an article I have written on the unemployment census.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. RICH. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. RICH. Mr. Speaker, I was very much interested in the statement made by the gentleman from Missouri in reference to eating more meat. May I say to the Members of the House of Representatives that if the Department of Agriculture would pay the farmers of this country for raising more produce, for producing more meat so that the prices of agricultural commodities could be at a level at which American citizens could afford to purchase them, the people of this country not only would eat more meat but they would eat more of all foods. The trouble is that we are trying to pay the farmers of this country for not producing commodities; and this makes it difficult for those of moderate means to purchase them. People in industry had their wages increased in 1937 over 1936 from 20 to 30 percent, but the cost of living increased faster than the wages—so tell me how they could afford to consume more meat at the high prices. How can they buy more bread, more potatoes, more vegetables? It is terrible to think this country has put a premium on idleness; to think that men are paid to do nothing; paid if they left their lands vacant; paid if they raise less beef, less pork, less wheat, and so forth. We should pay the farmers and workers of this country for raising foodstuffs, so all will have plenty to eat and plenty to wear. Let us have a land of plenty instead of a land of scarcity. A land of happiness instead of a land of discontent. Why does this administration continue the policy of scarcity?

Will it ever see the light of day and realize that we want America to be a land of plenty, a country where people can get all the food and clothing they want, where no one may want for the necessities of life? Let us pay for producing more, if that must be. We want work, and producing more will produce jobs and pay. Thus one can live by the "sweat of his brow" and not on a Government dole at high living costs.

[Here the gavel fell.]

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first bill on the Private Calendar.

JUDSON M. GRIMMET

The Clerk called the first bill on the Private Calendar, S. 2773, to authorize the issuance of an unrestricted patent to Judson M. Grimmet.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior shall issue an unrestricted patent for lot 7, section 14, township 18 north, range 14 west, Louisiana meridian, to Judson M. Grimmet, of Caddo Parish, La., if in his opinion such lands are neither mineral in character nor valuable for deposits of oil or gas: *Provided*, That said Judson M. Grimmet shall show to the satisfaction of the Secretary of the Interior that he has acquired all the rights which passed in said land to Riley Hamilton under patent 763165.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FORD O. GOTHAM AND JAMES M'CUMBER

The Clerk called the next bill, H. R. 344, for the relief of Ford O. Gotham.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COSTELLO. Mr. Speaker, I object.

There being no further objections, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ford O. Gotham the sum of \$5,000 in full settlement of his claim against the United States for injuries received on colliding with a United States Army truck at or near the village of Black River, N. Y., on the 26th day of August 1932.

With the following committee amendment:

Strike out all of the bill after the enacting clause and insert in lieu thereof the following: "That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Ford O. Gotham, of Watertown, N. Y., the sum of \$2,000, and to James McCumber, of Watertown, N. Y., the sum of \$3,000, in full settlement of their claims against the United States for personal injuries sustained when the vehicle in which they were riding collided with an Army truck, August 26, 1932, on New York State Highway No. 3, near Black River, N. Y.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Ford O. Gotham and James McCumber."

E. A. CAYLOR

The Clerk called the next bill, H. R. 592, for the relief of E. A. Caylor.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to E. A. Caylor, out of any money in the Treasury not otherwise appropriated, the sum of \$100, representing an unpaid balance on account of a horse which was killed as the result of a collision with a truck being negligently driven by an employee of the United States Forest Service.

With the following committee amendment:

Strike out all of the bill after the enacting clause and insert: "That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. A. Caylor, of Udell, Iowa, the sum of \$150, in full satisfaction of his claim against the United States for the death of a horse from injuries sustained September 5, 1934, while in use by employees of the Forest Service, Department of Agriculture, under a verbal agreement, in connection with the construction of erosion dams on farms in Appanoose County, Iowa: *Provided*, That the Comptroller General of the United States is hereby authorized and directed to credit \$50 of the amount herein appropriated to the account of W. H. Kasten, finance officer, United States Army, symbol 229123, for payment in that amount during August 1935 on voucher No. 1068 to E. A. Caylor on account of said loss, which payment has been disallowed, or to otherwise effect a set-off for the \$50 so received by E. A. Caylor: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAUL BRINZA

The Clerk called the next bill, H. R. 2316, for the relief of Paul Brinza.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,000, in full settlement of all claims against the Government of the United States, to Paul Brinza, the father of the late Anton Brinza, who was killed on July 7, 1934, by a truck that was operated by the Civilian Conservation Camp located in the city of Cudahy, Wis.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 1, start with the words "the sum" in line 5 and strike out all of the bill through line 9 and insert in lieu thereof "to Paul

Brinza of Cudahy, Wis., the sum of \$2,500, in full settlement of all claims against the United States for the death of his minor son, Anton Brinza, who was killed on July 7, 1934, when struck by a Civilian Conservation Corps truck in."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

R. L. SCOTT

The Clerk called the next bill, H. R. 3179, for the relief of R. L. Scott.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. COSTELLO and Mr. HANCOCK of New York objected, and, under the rule, the bill was recommitted to the Committee on Claims.

BENJAMIN WEISENBERG

The Clerk called the next bill, H. R. 3389, for the relief of Benjamin Weisenberg.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Benjamin Weisenberg, the sum of \$2,500 in full settlement of all claims against the United States Government by reason of being struck and permanently injured by a Government automobile which was driven by an employee of the Department of Agriculture: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 6, after the name "Weisenberg", insert "of Brooklyn, N. Y.,".

Page 1, line 6, also, strike out the figures "\$2,500" and insert "\$1,000".

Page 1, lines 7, 8, and 9, strike out the words "Government by reason of being struck and permanently injured by a Government automobile which was driven by an employee" and insert "for personal injury sustained on July 2, 1935, at Ellenville, N. Y., when he was struck by a truck".

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time and passed, and a motion to reconsider was laid on the table.

WILLIAM R. HERRICK

The Clerk called the next bill, H. R. 4020, for the relief of William R. Herrick.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William R. Herrick, of Leominster, Mass., the sum of \$32.25. Such sum shall be in full settlement of all claims against the United States for damages sustained by the said William R. Herrick as the result of personal property destroyed in the fire in the barracks occupied by Company D, Fifth Regiment United States Infantry, at Camp Devens, Mass., on June 21, 1926.

With the following committee amendments:

In line 6, strike out the name "Leominster" and insert "Fitchburg."

In line 6, also, strike out the figures "\$32.25" and insert "\$28.40", and strike out the words "Such sum shall be", in lines 6 and 7.

In lines 8 and 9, strike out the words "damages sustained by the said William R. Herrick as the result of" and insert "loss of his."

At the end of the bill add: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EVA C. NETZLEY ET AL.

The Clerk called the next bill, H. R. 4251, for the relief of Eva C. Netzley; William G. Stuff; Lois Greenawalt Stuff; William G. Stuff, administrator of the estate of Sarah C. Stuff, deceased; Eva C. Netzley, Clyde M. Netzley, and Dolores Netzley, widow and children and sole heirs at law of Clyde C. Netzley, deceased; and Harry E. Ridley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Eva C. Netzley, of Naperville, Ill., William G. Stuff, of Mercersburg, Pa., and Lois Greenawalt Stuff, of Mercersburg, Pa., the sums of \$1,000, \$25,000, and \$25,000, respectively, in full settlement of all claims for bodily injuries sustained by them on August 24, 1935, as the result of negligence on the part of an employee of the United States Government, which said negligence caused a collision between an automobile in which they, the said Eva C. Netzley, William G. Stuff, and Lois Greenawalt Stuff, were riding and a Civilian Conservation Corps truck at or near the intersection of Tristate Highway, route No. 54, and Thirty-first Street near Hinsdale, Ill.; and that the said Secretary of the Treasury be, and he is hereby, further authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William G. Stuff, of Mercersburg, Pa., administrator of the estate of Sarah C. Stuff, deceased, the sum of \$2,000, and to Eva C. Netzley, Clyde M. Netzley, and Dolores Netzley, all of the city of Naperville, Ill., widow and children, respectively, and sole heirs at law of Clyde C. Netzley, deceased, the total sum of \$25,000, in full payment of all damages sustained as the result of the death of the said Sarah C. Stuff and Clyde C. Netzley from injuries sustained as the result of negligence on the part of an employee of the United States Government which caused a collision between an automobile in which the said Sarah C. Stuff and Clyde C. Netzley were riding and a Civilian Conservation Corps truck at or near the intersection of Tristate Highway No. 54, and Thirty-first Street near Hinsdale, Ill., on August 24, 1935; and that the said Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Harry E. Ridley, of the city of Naperville, Ill., the sum of \$776.85, in full payment for all damage to property sustained by him as the result of negligence on the part of an employee of the United States Government which negligence caused a collision between a car owned by the said Harry E. Ridley and a Civilian Conservation Corps truck at or near the intersection of Tristate Highway, route No. 54, and Thirty-first Street near Hinsdale, Ill., on August 24, 1935.

With the following committee amendment:

Strike out all of the bill after the enacting clause and insert in lieu thereof the following:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Eva C. Netzley, of Naperville, Ill., the sum of \$1,000; to the administrator of the estate of Clyde C. Netzley, deceased, late of Naperville, Ill., the sum of \$5,000; to William G. Stuff, of Mercersburg, Pa., the sum of \$1,000; to William G. Stuff, as administrator of the estate of Sarah C. Stuff, deceased, late of Mercersburg, Pa., the sum of \$2,000; to Lois Stuff, nee Greenawalt, of Mercersburg, Pa., the sum of \$3,500; and to Harry E. Ridley, of Naperville, Ill., the sum of \$168.85; in all, \$12,668.85, in full settlement of all claims against the United States for personal injuries, death, and property damage sustained in a collision with a National Park Service truck, operated in connection with the Civilian Conservation Corps, on August 24, 1935, at the intersection of Thirty-first Street with Illinois State Highway No. 54, near Hinsdale, Du Page County, Ill.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill for the relief of Eva C. Netzley, William G. Stuff, Lois Stuff, and Harry E. Ridley; and the estates of Clyde C. Netzley and Sarah C. Stuff."

HUGH RAY

The Clerk called the next bill, H. R. 4921, for the relief of Hugh Ray.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hugh Ray, Hodgenville, Ky., the sum of \$5,000 in full satisfaction of all claims against the United States for injury received while acting as deputy prohibition agent, county of Larue, Ky., and driving car for prohibition agents making raids on stills.

With the following committee amendments:

Page 1, line 5, strike out "Hodgenville" and insert "Greensburg."

Page 1, line 6, strike out "\$5,000" and insert "\$1,500."

Page 1, line 8, strike out "acting as deputy prohibition agent, county of Larue, Ky., and driving car for prohibition agents making raids on stills" and insert "deputized by and assisting a United States prohibition agent in raiding illicit stills near Hibernia, Taylor County, Ky., on August 16, 1921: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN M. FRALEY

The Clerk called the next bill, H. R. 5149, for the relief of John M. Fraley.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the limitations of time in sections 15 to 20, both inclusive, of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, are hereby waived in favor of John M. Fraley, postmaster at Farmers, Rowan County, Ky., and the Employees' Compensation Commission is hereby authorized and directed to receive and consider, when filed, his claim for disability from rupture alleged to have been incurred in line of duty on or about July 1, 1926, while serving as such postmaster: *Provided*, That claim hereunder shall be filed within 6 months from the approval of this act: *Provided further*, That no benefits shall accrue prior to the approval of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN W. WATSON

The Clerk called the next bill, H. R. 6397, for the relief of John W. Watson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John W. Watson, of Wilmington, Del., the sum of \$159.50. The payment of such sum shall be in full settlement of all claims against the United States for damages sustained by said John W. Watson on account of personal injury suffered when he was struck by a United States Army truck in the wareroom of the Delaware Hardware Co., Wilmington, Del., on November 27, 1935.

With the following committee amendments:

Page 1, line 6, after the words "the sum of", strike out "\$159.50. The payment of such sum shall be" and insert "\$75."

Page 1, line 9, strike out "said John W. Watson" and insert "him."

Page 2, line 1, after "November 27, 1935", insert a colon and the following: "*Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RALPH J. NEIKIRK

The Clerk called the next bill, H. R. 6471, for the relief of Ralph J. Neikirk.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Ralph J. Neikirk, of Lakeland, Fla., out of any money in the Treasury not otherwise appropriated, the sum of \$680 in full settlement of all claims against the Government of the United States representing remission of liquidated damages in connection with the drilling of wells on Blackbeard Island, covered by contract No. ALS 9994, Bureau of Biological Survey: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum of the amount appropriated in this act in excess of 10 percent thereof on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 6, strike out "\$680" and insert "\$75."
Page 1, line 8, strike out the word "representing" and insert "for delays caused by the Government and/or."
Page 1, line 10, after the word "island", insert "near Sapelo, Ga."
Page 1, line 11, strike out "ALS 9994" and insert "Als-9994, dated August 20, 1934, with the."
Page 2, line 2, after the word "survey", insert "Department of Agriculture."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JAMES T. ROGERS

The Clerk called the next bill, H. R. 7173, for the relief of James T. Rogers.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to James T. Rogers, of the Alcohol Tax Unit, Federal Building, Birmingham, Ala., the sum of \$— to cover a judgment of \$300 secured against the said James T. Rogers on account of an automobile accident in which he was involved while performing his duty.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to G. D. Thornhill, of Birmingham, Ala., the sum of \$300, in full satisfaction of his claim against the United States, or any employee thereof, for the amount of a judgment obtained March 11, 1937, against James T. Rogers in the United States District Court for the Northern District of Alabama on account of personal injury and damage sustained by him when his automobile overturned as the alleged result of attempting to avoid a collision with an automobile owned by the Government and operated by said James T. Rogers, an investigator, Alcohol Tax Unit, Bureau of Internal Revenue, Treasury Department, in performing his official duties, on the Warrior River Road near Rock Creek, Jefferson County, Ala., May 18, 1936: *Provided*, That the clerk of the United States District Court for the Northern District of Alabama is hereby authorized and directed, upon notification of payment by the Secretary of the Treasury as herein provided, to satisfy of record the said judgment obtained by G. D. Thornhill against James T. Rogers in said court: *Provided further*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill for the relief of G. D. Thornhill and James T. Rogers."

CARL DEMENT WEAVER

The Clerk called the next bill, H. R. 7678, for the relief of Carl Dement Weaver.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Carl Dement Weaver, machinist's mate, first-class, United States Navy, the sum of \$50.70, in full satisfaction of his claim against the United States for the value of personal effects lost at Paducah, Ky., during the Ohio Valley flood in January 1937: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, after line 6, insert the following: "and to Donald W. Supernois, fireman, first class, United States Navy, the sum of \$20.25."
Page 1, line 8, strike out "is" and insert "their."
Page 1, line 10, strike out "at Paducah, Ky." and insert "while engaged in emergency relief work."
Page 1, at the end of line 11, insert "and February."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended to read as follows: "A bill for the relief of Carl Dement Weaver and Donald W. Supernois."

GEORGE YUHAS

The Clerk called the next bill, S. 2602, for the relief of George Yuhas.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to George Yuhas the sum of \$52 in full and final settlement of any and all claims against the Government for personal injuries resulting when the automobile in which he was riding was struck by a truck belonging to the Government and operated by a member of the Civilian Conservation Corps, Camp Riley Creek, Fifield, Wis.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 5, after the word "Treasury", strike out "allocated by the President for the maintenance and operation of the Civilian Conservation Corps" and insert "not otherwise appropriated."
Page 2, line 2, after the word "Wisconsin", insert "on October 4, 1933, near Phillips, Wis."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

LEO L. HARRISON

The Clerk called the next bill, S. 2768, authorizing the Comptroller General to adjust and settle the claim of Leo L. Harrison.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to adjust and settle the claim of Leo L. Harrison for blood furnished February 19, 1937, for transfusion to George L. Oertel, a patient in a Government hospital, and to allow in full and final settlement of said claim an amount not in excess of \$25, under the appropriation of the Veterans' Administration available for payment for blood transfusion: *Provided*, That no part of the amount in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

IRVIN H. JOHNSON

The Clerk called the next bill, S. 2769, authorizing the Comptroller General to adjust and settle the claim of Irvin H. Johnson.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to adjust and settle the claim of Irvin H. Johnson for blood furnished January 26, 1937, for transfusion to Nellie L. Ruble, a patient in a Government hospital, and to allow in full and final settlement of said claim an amount not in excess of \$25, under the appropriation of the Veterans' Administration available for payment for blood transfusion: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

FRANK PASHLEY AND BROWN GARRETT

The Clerk called the next bill, S. 2832, authorizing the adjustment of the claims of Frank Pashley and Brown Garrett.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to adjust and settle the claims of Frank Pashley for blood furnished February 24 and 27, 1937, for transfusion to Llewelyn T. McKee, a patient in a Government hospital, and to allow in full and final settlement of said claims an amount not in excess of \$15 and \$10, a total of \$25; also to adjust and settle the claim of Brown Garrett for blood furnished February 11, 1937, for transfusion to Albert King, a patient in a Government hospital, and to allow in full settlement of said claim an amount not in excess of \$25, all under the appropriation of the Veterans' Administration available for payment for blood transfusion: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WILLIAM R. KELLOGG

The Clerk called the next bill, S. 371, for the relief of William R. Kellogg.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to William R. Kellogg, of Jamestown, N. Dak., out of any money in the Treasury not otherwise appropriated, the sum of \$1,000, in full settlement of all claims against the United States for damages caused to him by the failure of post-office officials of the United States Government to furnish to said William R. Kellogg a lease to lots 8 and 9, block 33, city of Jamestown, N. Dak., in accordance with the inducements and oral agreements whereby said William R. Kellogg was induced to erect a building and purchase fixtures for the use of the United States as a post-office building for the city of Jamestown, N. Dak. Said building being erected and fixtures being purchased in good faith upon the promise of officials of the Post Office Department that a 10-year interminable lease would be entered into by the United States, and not until after the building was fully erected and the fixtures bought was the said William R. Kellogg advised that such a lease would not be furnished to him: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 6, strike out "\$1,000" and insert in lieu thereof "\$675."

Page 1, strike out all of lines 8 to 12, inclusive, and on page 2, beginning with line 1, strike out all down to and including "him" in line 9, and insert in lieu thereof "3 months' rent of his building, situate on lots 8 and 9, block 33, city of Jamestown, N. Dak., and used as a post office in that city, in lieu of 3 months' notice of cancellation which he was entitled to receive under a lease to such property, dated March 30, 1926."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HEINRICH SCHMIDT, G. M. B. H., OF FLENSBURG, GERMANY

The Clerk called the next bill, S. 676, for the relief of Heinrich Schmidt, G. m. b. H., of Flensburg, Germany.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Heinrich Schmidt, G. m. b. H., of Flensburg, Germany, owner of the steamship *Pollux* of Germany registry, the sum of \$1,151 in full satisfaction of all claims of such Heinrich Schmidt, G. m. b. H., against the United States resulting from the levy and collection by the United States of certain taxes, pursuant to sections 4219 and 4225 of the Revised Statutes, on the tonnage of such steamship *Pollux*, at the port of Baltimore, Md., on March 9, 1920, similar taxes having subsequently been held in the cases of *The Sophie Rickmers* (45 F. (2d) 413) and *Flensburger Dampfercompagnie* (73 Ct. Cls. 646) to be invalid as to ships of such registry: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

A. C. WILLIAMS

The Clerk called the next bill, S. 1043, for the relief of A. C. Williams.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to A. C. Williams, of Sentinel, Okla., the sum of \$2,962.63 in full settlement of any and all claims against the Government on account of personal injuries and property damage sustained by him in an automobile collision with a truck owned by the United States Government and driven by Charles Cordell, agent and employee of the Government, in the service of the Works Progress Administration, near Socorro, N. Mex., on July 31, 1936: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 8, after the word "damage", strike out "sustained by him in an automobile" and insert in lieu thereof "to himself, and personal injuries resulting in the death of his wife, Julia F. Williams, sustained in a."

Page 2, line 1, after the word "by", strike out "Charles Cordell, agent and employee of the Government, in the service" and insert in lieu thereof "an employee."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

HAROLD GARR ET AL.

The Clerk called the next bill, S. 1255, for the relief of Harold Garr, Chester H. Peters, Harry B. Swift, Dr. Abraham A. Mills, Charles L. Harris, O. W. Morgan, F. G. E. Carlson, Harold S. Fraine, Owen E. Steele, W. C. Mudge, Jr., George F. Poutasse, Paul P. Pickle, W. D. Hiltbrand, Arthur P. LeBel,

K. E. Hill, Annie McGowan, Ralph Thompson, and Rosamond M. MacDonald.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury allocated by the President for the maintenance and operation of the Civilian Conservation Corps, to Harold Garr the sum of \$922.31, to Chester H. Peters the sum of \$93.91, to Harry B. Swift the sum of \$890.55, to Dr. Abraham A. Mills the sum of \$470.44, to Charles L. Harris the sum of \$161.97, to O. W. Morgan the sum of \$94.20, to F. G. E. Carlson the sum of \$371.52, to Harold S. Fraine the sum of \$564.27, to Owen E. Steele the sum of \$218.87, to W. C. Mudge, Jr., the sum of \$398.80, to George F. Poutasse the sum of \$157.54, to Paul P. Pickle the sum of \$217.82, to W. D. Hiltbrand the sum of \$582.04, to Arthur P. LeBel the sum of \$217.75, to K. E. Hill the sum of \$63, to Annie McGowan the sum of \$154.98, to Ralph Thompson the sum of \$112.12, and to Rosamond M. MacDonald the sum of \$105.15, in full and final settlement of all claims against the Government for loss of personal property in a fire which destroyed the officers' and foresters' quarters of the Eleven Hundred and Seventieth Company, Civilian Conservation Corps, at Milton, Mass., on December 22, 1935: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendment:

Page 1, line 5, after the word "Treasury", strike out the remainder of line 5 and all of line 6 and insert in lieu thereof "not otherwise appropriated."

The committee amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

JOHN PROSSER

The Clerk called the next bill, S. 2418, for the relief of John Prosser.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John Prosser, of Turtle Lake, Wis., the sum of \$400 in full satisfaction of all his claims against the United States for injuries received by him while participating in the arrest of two known post-office burglars: *Provided*, That no part of the amount appropriated in this Act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

With the following committee amendments:

Page 1, line 7, after the word "him", insert "on October 30, 1930."

Line 8, after the word "two", strike out "known post-office burglars" and insert in lieu thereof "criminals who confessed to burglary of the post office at Fontanet, Ind., but were prosecuted, convicted, and imprisoned for offenses against the State of Indiana, said sum to be in lieu of the Federal reward to which said John Prosser would have been entitled had the criminals been prosecuted and convicted of the post-office burglary."

The committee amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CHICAGO, MILWAUKEE, ST. PAUL & PACIFIC RAILROAD CO.

The Clerk called the next bill, S. 2606, for the relief of the Chicago, Milwaukee, St. Paul & Pacific Railroad Co.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Chicago, Milwaukee, St. Paul & Pacific Railroad Co., the sum of \$798 in full satisfaction of its claims against the United States for damages to its transmission lines resulting from blasting operations of a Forest Service road-construction crew engaged in construction on St. Joe River

Road Project No. 456, in the St. Joe National Forest, State of Idaho: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

VIRGIL O. POWELL AND OTHERS

The Clerk called the next bill, H. R. 2841, for the relief of Virgil O. Powell and others.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$2,500 to Virgil O. Powell, his wife, Mrs. Virgil O. Powell, and minor son, William Powell, of Knoxville, Tenn., for personal injuries sustained by them as a result of being struck by a Government truck being recklessly operated by an employee of the United States Government, said injury occurring on March 15, 1935.

With the following committee amendments:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mr. and Mrs. Virgil O. Powell, of Knoxville, Tenn., jointly, the sum of \$2,000, in full settlement of all claims against the United States for personal injuries suffered by themselves and their minor son, William Powell, and for property damage, when the automobile driven by Virgil O. Powell was struck by a National Park Service truck operated by an enrollee of the Civilian Conservation Corps on March 15, 1935, near Sevierville, Tenn.: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Mr. and Mrs. Virgil O. Powell, and William Powell, a minor."

S. T. ROEBUCK

The Clerk called the next bill, H. R. 6708, for the relief of S. T. Roebuck.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to S. T. Roebuck, of Newton, Miss., an employee of the Federal Housing Administration, the sum of \$325 in full satisfaction of all his claims against the United States for damages to his automobile which were sustained as a result of an unavoidable accident on United States-Mississippi Highway No. 80, between Morton, Miss., and Pelahatchie, Miss., on December 1, 1934, while using his own car, traveling under orders of his superior on Government business.

With the following committee amendments:

Page 1, in line 6, after the word "Mississippi", strike out the remainder of the line and the word "Administration" in line 7.

Page 2, after the word "business", in line 1, add the following: "as an employee of the Federal Housing Administration: *Provided*, That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. MATTIE L. CARVER

The Clerk called the next bill, H. R. 6844, to confer jurisdiction upon the United States District Court for the District of Kansas to determine the claim of Mattie L. Carver.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction is conferred upon the United States District Court for the District of Kansas to hear and determine, and to render judgment, as if the United States were suable in tort, on the claim of Mrs. Mattie L. Carver, of Wichita, Kans., to recover damages for injuries sustained as a result of an accident involving an Army motorcycle at Wichita, Kans., on October 13, 1936, if such suit is brought within 1 year after the date of enactment of this act.

Sec. 2. The United States district attorney for the district of Kansas is hereby charged with the duty of defending the United States in any suit instituted under the authority of section 1 of this act.

Sec. 3. There is hereby authorized to be appropriated a sum sufficient to pay the judgment rendered against the United States, if any, as a result of suit hereunder.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Mattie L. Carver, of Wichita, Kans., the sum of \$4,000, in full satisfaction of her claim against the United States for personal injuries sustained on October 13, 1936, when she was struck by an Army motorcycle while walking along Laclede Avenue, Wichita, Kans.: *Provided,* That no part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill for the relief of Mattie L. Carver."

Mr. COSTELLO. Mr. Speaker, I move to dispense with further proceedings under the call of the Private Calendar.

The motion was agreed to.

RIGHTS OF THE JEWS IN RUMANIA

Mr. SHANLEY. Mr. Speaker, I call up a privileged resolution of inquiry (H. Res. 409).

The Clerk read as follows:

House Resolution 409

Resolved, That the President of the United States be, and he is hereby, requested, if not incompatible with the public interest, to inform the House of Representatives—

(1) What facts, if any, are in possession of the State Department showing that the economic, civil, or religious rights of the Jews in Rumania have been seriously impaired or denied;

(2) What information, if any, is in possession of the State Department that proscriptive edicts have been issued or recently enforced against the Jews in Rumania;

(3) Whether the Department of State is in possession of any facts that establish a Rumanian policy of repression and persecution of the Jews of such character as to have caused the Department to take action looking to amelioration or reversal of such policy;

(4) Whether the Department has been advised that the Jews of Rumania have been ordered to leave that country; and

(5) If the Department of State is in possession of the facts or information before mentioned, has the Department taken any action, and, if so, the form thereof, protesting against such repression and persecution of Jews in and their banishment from Rumania.

With the following committee report:

Mr. McREYNOLDS, from the Committee on Foreign Affairs, submitted the following adverse report [to accompany H. Res. 409]:

The Committee on Foreign Affairs, to whom was referred the resolution (H. Res. 409) requesting the President of the United States to furnish certain information, if not incompatible with the public interest, regarding the economic, civil, or religious rights of the Jews in Rumania, having considered the same, submit the following report thereon with the recommendation that it do not pass:

The action of the committee is based on the following letter from the Secretary of State dated January 29, 1938. The letter is as follows:

Mr. I. R. BARNES,

Clerk, Committee on Foreign Affairs,

Capital Building, Gallery Floor, House of Representatives.

MY DEAR MR. BARNES: I have received your communication of January 26, 1938, enclosing a copy of a resolution submitted in the House of Representatives on January 25, which called on the President for information, if not incompatible with the public interest, concerning the situation of Jews in Rumania. In this letter you ask for a report on the resolution.

The Department has, of course, been in close touch with the American Minister in Bucharest, and from a study of his communications it would appear that there has been some misunderstanding or confusion outside of Rumania with respect to measures directed against the Jews which were said to have been considered by the Rumanian Government, and those which actually have been taken.

The Minister has had several conversations with prominent officials of the Rumanian Government who have assured him that the Government itself will take no official steps that might be illegal, or contrary to the Rumanian constitution. It was understood by the Minister that a commission was to be set up to deal with the Jewish question, and that the Government would proceed most cautiously in this matter.

With respect to the third point in the resolution, I wish to point out that any action taken by the Rumanian Government concerning the peoples within its borders is a matter which lies within the jurisdiction of that Government. The American Government, in the absence of treaty provisions, cannot intervene in the domestic affairs of another country, except in special circumstances where American citizens or interests are involved. Reference has been made in the press to the treaty between the principal Allied and Associated Powers and Rumania, signed at Paris on December 9, 1919, and known as the minorities treaty, which provides for guarantees of civil and political rights to all inhabitants of Rumania without distinction of birth, nationality, language, race, or religion. Although the treaty was signed on behalf of the United States it was not ratified by this Government, and consequently the United States is not a party to the treaty.

Nevertheless, the Department of State is not unmindful of the solitude in the United States concerning the lot of Jews in Rumania, and it is following the course of events in Rumania with sympathetic consideration.

Sincerely yours,

CORDELL HULL.

Mr. SHANLEY. Mr. Speaker, I move that the resolution be tabled and ask unanimous consent that the report be printed in the RECORD.

Mr. FISH. Mr. Speaker, if the gentleman will withhold the motion for a moment, will the gentleman include the letter of the Secretary of State in reply to this resolution?

Mr. SHANLEY. I have asked that the report be printed in the RECORD, and this will include the letter referred to by the gentleman.

Mr. FISH. As I understand, the letter of the Secretary will then go in the CONGRESSIONAL RECORD?

Mr. SHANLEY. Yes; it is in the report.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut that the report be printed in the RECORD?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Connecticut to table the resolution.

The motion was agreed to.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Crockett, its Chief Clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 8730) entitled "An act to amend the National Housing Act, and for other purposes."

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1939

Mr. COLLINS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 9181) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1939, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the

further consideration of the bill H. R. 9181, the District of Columbia appropriation bill, with Mr. DRIVER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. At the conclusion of the session yesterday a motion was pending made by the gentleman from Mississippi that all debate on the paragraph and the pending amendment and all amendments thereto close in 10 minutes.

The question is on the motion of the gentleman from Mississippi.

The motion was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. DIRKSEN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DIRKSEN. Since that paragraph has been read, I believe the understanding is there is to be 10 more minutes of the debate on the amendment.

Mr. COLLINS. The gentleman is right, and I shall yield to the gentleman from Illinois.

Mr. DIRKSEN. Mr. Chairman, I think the understanding was at the conclusion of the session yesterday that the 10 minutes of debate allowed under the motion of the chairman of the subcommittee was to be directed to the amendment now pending.

The CHAIRMAN. The gentleman is correct.

Mr. DIRKSEN. Mr. Chairman, at the conclusion of the session yesterday there was pending an amendment which I offered to the item for salaries for the Metropolitan Police Department, increasing the number of officers and men by 31, amounting to a total of \$65,450.

This amendment would provide for an increase of 1 captain, 2 lieutenants, 3 sergeants, and 25 privates.

I think it must be apparent to all members of the Committee, after reading the press accounts during the past week, that there has been a crime situation here, that it has existed for a long time and has, finally, come to the consciousness of the people here. I am satisfied the superintendent of police would like to have this increase. He has so stated. While he has not stated so before the subcommittee, he has made the statement before the public, and I believe from the facts and the evidence we adduced here yesterday in support of the amendment, this increase ought to be granted in the hope that this crime career in Washington may be checked.

In addition to what I said yesterday, let me offer one further supporting fact. This is a fact which I verified just a little while ago by Lieutenant Varney of the Metropolitan Police of Washington, that the day force which goes on duty at 8 o'clock in the morning and comes off at 4 o'clock in the afternoon comes back for an additional tour of duty at night. This has had a salutary effect, but I submit to you whether it is fair to take one-third of the police department of Washington, or at least that portion engaged in foot patrol work, and make them perform 2 tours of duty in the same 24 hours.

Certainly, to some extent this condition will be ameliorated if we will add 31 members to the force, and this is all that is provided in the pending amendment.

I think after the figures I submitted yesterday, including the statement of Major Lester, of the Federal Bureau of Investigation, it is evident that you have a tremendous floating population in Washington that unbalances the police department, and this fact should nullify the effect of all the figures that have been inserted in the RECORD; and if he could be asked the very direct question as to whether or not there should be such an increase, I am satisfied he would unhesitatingly answer in the affirmative.

I am therefore going to ask that the Committee support this amendment and provide 31 extra policemen. Now, what have they given the police department? They are going to give them a new building. This is fine, and Major Brown has had his heart set on this project for a long time. They are going to reopen precinct No. 2, which is a splendid idea. I am satisfied Major Brown did not care to jeopardize

these two very desirable projects that are close to his heart by going out too far when he was before the committee; but the fact remains—and it is a public fact, publicly stated—they would like to have more policemen. So we can do nothing better than to go to the superintendent of police and say to him, "If you ask for it, we will give it to you, and then we will hold you responsible for the crime condition that may hereafter exist in the city of Washington."

I could elaborate further and say that since 1928, it runs through my mind, that we have either 28 or 30 less motorcycle officers than we had at that time, yet automobile registrations have been increasing year after year, and the number of traffic deaths, which is astounding, to say the least, speaks for itself. There is every reason why the members of this Committee ought to support the amendment now pending for 31 additional police officers, for an aggregate amount of \$65,450, to be paid for out of the pockets of the taxpayers of the District of Columbia and not out of the Federal Treasury. If they want it, let us give it to them. [Applause.]

Mr. SCHULTE. Mr. Chairman, I rise in opposition to the amendment. The gentleman from Illinois [Mr. DIRKSEN] has made a most eloquent plea for the addition of 31 police officers to the force in the District of Columbia. I served as a member of the Crime Investigating Committee here 2 years ago, and this matter came up. We went through this in its entirety as to the shortage of police in the District. This is part of the condition that we found existed and I am very much opposed to the increase in the police force because, as our chairman stated yesterday, we are overpoliced. If we will just take the police and make them do police work and the duty they are hired to do there will be plenty of police. There are 12 precincts in the District of Columbia. Each one of these precincts has three policemen in it doing work that clerks should be doing, who could be employed for \$125 a month. But they have policemen doing this work, taking down the names of prisoners and their addresses and what they happen to be charged with. These policemen get \$200 a month for doing that. Twelve times three gives us 36 men who could be relieved and placed on the streets in the District. In addition to that we have 15 hack inspectors—15 policemen receiving an aggregate of between \$180 and \$200 a month, looking into taxicabs, seeing that there is leather upholstery in place of cloth, seeing that the taxis are clean; work that any kid could do. Those policemen are getting \$200 a month; 15 of them. That makes an aggregate of 51 policemen.

Then we have in the police department 8 or 10 men doing work that can be done by clerks, which makes a total of 74 policemen in the District who are doing the work that clerks should do. We have enough policemen if we will just stop them from being clerks and make them do police work. One of the captains in the District told me no later than this morning that there are enough policemen but that there is not enough regulation and that too many policemen are doing the work that clerks should do, and I have the highest regard for this man's ability. He is a good officer, and we have good officers in the District—just as good as you will find anywhere.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. SCHULTE. Yes.

Mr. DIRKSEN. That condition has existed ever since I came to Washington some years ago, and there is every reason to believe that it will continue to exist. Meanwhile your criminals are going to run at large.

Mr. SCHULTE. And I say they will, so long as we allow it to continue, but it is within the scope of Congress to see that clerks take the place of these policemen, and that 74 policemen are put on the streets doing the work that they were hired to do.

Mr. COLLINS. Mr. Chairman, I called the attention of the House yesterday to the fact that Washington has a larger number of policemen in proportion to its population than any other city in the United States. The statement was made that Boston had a larger number than Washington. Since

that time I have taken the matter up with the Department of Justice and find that the Washington policemen are in the proportion of 3.1 per thousand, while in Boston they are 3. So we find that Washington is the most overpoliced city in the entire country, and in some cities the percentage runs down to as low as one to the thousand. I see no sense whatever in merely adding an additional number of policemen simply because we have the authority to do it, and I ask that this amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. DIRKSEN) there were—ayes 18, noes 41.

So the amendment was rejected.

The Clerk read as follows:

For miscellaneous and contingent expenses, including rewards for fugitives, purchase of gas equipment and firearms, maintenance of card system, stationery, city directories, books of reference, periodicals, newspapers, telegraphing, telephoning, photographs, rental and maintenance of teletype system and labor-saving devices, telephone service charges, purchase, maintenance, and servicing of radio broadcasting systems, purchase of equipment, gas, ice, washing, meals for prisoners, medals of award, not to exceed \$300 for car tickets, furniture and repair thereto, beds and bed clothing, insignia of office, police equipments and repairs to same, and mounted equipment, flags and halyards, storage and hauling of stolen or abandoned property, and traveling and other expenses incurred in prevention and detection of crime and other necessary expenses, including expenses of harbor patrol, \$76,375, of which amount not exceeding \$10,000 shall be immediately available and may be expended by the major and superintendent of police for prevention and detection of crime, under his certificate, approved by the Commissioners, and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

Mr. SCHULTE. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SCHULTE: Page 37, line 2, strike out "\$76,375" and insert in lieu thereof "\$66,375", and strike out the comma after the figures and the language down to the period in line 8.

Mr. SCHULTE. Mr. Chairman, this is the \$10,000 that I spoke about the other day on the floor of the House. Ten thousand dollars in this bill is allotted to the major of police to pay stool pigeons, the most despicable type of all humanity. Yet they seek to take \$10,000 and use that for a stool-pigeon fund. We have been reliably informed that there is no need for stool pigeons whatsoever. If the police in the District will do the work allotted to them, they do not need the assistance of this type of person. A stool pigeon, I have always been informed, is a man who is in most cases an ex-convict or one who has been arrested for some major crime and who is in close contact with the underworld, a man none of us would want in our homes. Yet they seek to take \$10,000 and hand it to that type of individual to do the work the police should be doing. We have in the District of Columbia a great many hungry school children. The newspapers carry articles to the effect that there is a shortage of \$32,000 in a fund that would give sandwiches and soups to the little tots that go to school here, so let us give the \$10,000 to them. I hope that the Members will stand by me in voting for this amendment to cut off the so-called stool-pigeon fund and do away with this type of man.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, the item to which my good friend objects is the confidential fund of the police department used in the detection of crime. The reason that the item was increased this year over last year was because the gentleman from Florida [Mr. CALDWELL], a member of the committee, thought perhaps some increase in the detective force of the police department might be needed. As a result, the superintendent of police and his chief of detectives were brought before the subcommittee. Major Brown said that he would rather not have the type of detectives we had in mind but would prefer an increase in the confidential fund, all of which, as you know, is audited by the auditor of the District of Columbia. In consequence, this fund was increased.

This fund is for the employment of men for 30 or 60 days, not for long periods of time, as would be necessary if we added additional men to the force. There is nothing new about this kind of fund. In the Post Office Department a fund of \$20,000 is carried for a similar purpose. The Internal Revenue Intelligence Unit has a fund of \$100,000 for this purpose. The Bureau of Investigation of the Department of Justice has a large sum of money; and the Secret Service of the Treasury Department likewise has a large sum of money. Language is carried in the bill appropriating funds to the Bureau of Narcotics which permits them to use their entire fund of \$1,200,000 for this purpose if they see fit. The Bureau of Immigration and Naturalization has a large similar fund, as has the Division of Investigation of the Interior Department. Those of us who have held assignments on the Army and Navy subcommittees of the Appropriations Committee know that Military and Naval Intelligence each has for this purpose a fund of several hundred thousand dollars per year.

It is nothing new in this bill; it has been carried year after year. If you expect crime to be decreased in the District of Columbia, I do not know of any way that such a decrease can be had except through the expenditure of money as is contemplated in this provision.

Mr. SCHULTE. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Gladly.

Mr. SCHULTE. Is it not true that the fund last year was but \$2,000, and it has been increased to \$10,000?

Mr. COLLINS. That is right.

Mr. SCHULTE. Is it not also true that the men employed in this type of work are usually pickpockets and thieves?

Mr. COLLINS. No, indeed.

Mr. SCHULTE. And that they are squealing on somebody else?

Mr. COLLINS. No, indeed. These men are frequently carried before the courts as witnesses. More frequently they are not used as witnesses but give to the police department information with reference to the detection of crime upon which the police act and upon which they make arrests and secure convictions.

If this fund is eliminated, crime is going to be rampant in this District to a larger extent than ever before.

I ask that the amendment be voted down.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana.

The question was taken; and on a division (demanded by Mr. SCHULTE) there were—ayes 9, noes 34.

So the amendment was rejected.

The Clerk read as follows:

HOUSE OF DETENTION

For maintenance of a suitable place for the reception and detention of girls and women, and of boys under 17 years of age, arrested by the police on charge of offense against any laws in force in the District of Columbia, or held as witnesses or held pending final investigation or examination, or otherwise, or committed to the guardianship of the Board of Public Welfare, including transportation, clinic supplies, food, clothing, upkeep and repair of buildings, fuel, gas, ice, laundry, supplies and equipment, electricity, and other necessary expenses, \$18,500; for personal services, \$9,240; in all, \$27,740.

Mr. BIGELOW. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BIGELOW. May I make a point of order against this section, but reserve it in order to offer an amendment?

The CHAIRMAN. Under the rules of the House the gentleman does not have that right.

Mr. BIGELOW. Then, Mr. Chairman, I make a point of order against the section.

The CHAIRMAN. The gentleman will state the point of order.

Mr. BIGELOW. Mr. Chairman, I make the point of order that the language beginning in line 19 on page 37, and ending at the end of line 4 on page 38, is legislation in an appropriation bill.

In 1929, Public Law 804, Seventieth Congress, provided that children picked up from the streets and held for disposition

by the courts should be separated from adult prisoners; and it provided a receiving home of their own. Throughout all the years intervening this receiving home has been maintained and is now in operation, some 40 or 50 children being residents of the home, held there for a period of a day, a week, or a month, or until they are otherwise disposed of.

Conditions at the receiving home admittedly are bad, and something should be done about it; but what should be done is, it seems to me, a matter for the consideration of the legislative committee and not for an appropriations subcommittee. I, therefore, make the point of order against the language in this section and ask that the language be stricken from the bill.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order? And in this connection the Chair will ask the gentleman from Mississippi to indicate the authority for the appropriation to maintain the house of detention.

Mr. COLLINS. Mr. Chairman, I would like to know the grounds of the gentleman's point of order. The house of detention is merely a police precinct.

The CHAIRMAN. The gentleman interposes a point of order on the ground that it is an appropriation without authority of law.

Mr. COLLINS. The house of detention is a police precinct owned by the District of Columbia.

We may not have specific statutory authority to appropriate for this particular precinct and, as a matter of fact, we may not have specific statutory authority to appropriate for any particular police precinct.

The fact remains, however, that the house of detention has existed since 1901 and appropriations have been made for that purpose since that time. The section against which the point of order is directed proposes appropriations for maintenance of an existing institution. It is a going concern, and under the rule laid down in section 1280 of Cannon's Precedents the Congress has the power to appropriate for the maintenance thereof.

Mr. PALMISANO. Mr. Chairman, I should like to be heard on the point of order.

As I understand it, the point of order is to the effect that under the appropriation they are merging, under the act of 1929, as the gentleman stated, the detention home for children into a prison. The children will be placed in a prison.

Merging the two is legislation in an appropriation bill and if they are merging the two in violation of the act of 1929 then I say the appropriation should be taken out. I think that is what my colleague is contending.

Mr. CALDWELL. Mr. Chairman, may I speak briefly on the point of order?

The provision complained of here is not legislation in the sense it creates some new activity which is required to be authorized by law. Perhaps it expands one already created. This activity, however, has been on the statute books and has been appropriated for during the past 30 years or more.

Mr. BIGELOW. Mr. Chairman, I am not challenging the statement that it may be proper for the Appropriations Committee to appropriate funds for the repair of the detention home. But what that committee is doing by this paragraph is abolishing the receiving home for children. It is abolishing an institution that was established by law for the purpose of segregating children from adult prisoners and I submit it is clearly legislation. If the point of order is sustained I have an amendment that will cure the situation.

The CHAIRMAN. The Chair is ready to rule.

To the paragraph found on page 37 of the bill, beginning with line 19, the gentleman from Ohio [Mr. BIGELOW] directs a point of order on the ground it is legislation in an appropriation bill and attempts to appropriate without legislative authority. The gentleman from Ohio concedes the fact that there is authority under the provisions of an act of 1929 and therefore this is an appropriation based on the authority of that statute. The matter is further clarified

for the Chair by the gentleman from Maryland, who states that his fear is the purpose of the paragraph is to eliminate the use of certain quarters or to merge two of the activities conducted with reference to matters dealt with in this paragraph.

There is nothing in the paragraph to indicate that there is the purpose of either abandoning or merging and, of course, the Chair is bound by the language and is unable to indulge in a presumption that there is any such underlying purpose. Furthermore, the purpose of this appropriation in express terms is maintenance, and by maintenance I mean the maintenance of an existing institution or institutions; therefore it would come clearly within the rules to appropriate for that purpose.

The point of order made by the gentleman from Ohio [Mr. BIGELOW] is overruled.

Mr. BIGELOW. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The Clerk read as follows:

Amendments offered by Mr. BIGELOW: Page 37, in line 2, strike out all except the words "and detention of women."
In line 21, strike out all before the word "arrested."
In line 24, strike out all after the word "otherwise."
In line 25, strike out all before the word "including."
Page 38, line 3, strike out "\$18,500" and insert "\$8,500."
In line 4, strike out "\$27,740" and insert "\$17,740."

Mr. BIGELOW. Mr. Chairman, what this section does as it stands, and without my amendment, is to appropriate money for the repair of what is known as the house of detention. In addition to that, it takes all of the children out of the receiving home and dumps them into this detention house.

If my amendments are agreed to, the detention house will be repaired as proposed where they are going to move the adult women, who are under the charge of a woman police captain. If my amendments are adopted, it will leave the receiving home where it is and the children in this receiving home. Then there will have to be an appropriation for a continuation of the receiving home for the children.

Admittedly the receiving home is unsatisfactory, but it certainly is a questionable policy to take these children out of this home and put them down with grown criminals. There should be a uniting of minds in the District as to how best to solve this problem. Various agencies should be called in before a legislative committee and a bill prepared and presented correcting the situation. It does not seem to me it should be corrected in this way.

I am therefore urging the adoption of the amendments, and if they are agreed to, I will then offer an amendment to have the receiving home put back where it is, with the expectation that we will proceed promptly to consider the matter before a proper legislative committee and let the various people of the District be heard.

Mr. VOORHIS. Will the gentleman yield?

Mr. BIGELOW. I yield to the gentleman from California.

Mr. VOORHIS. Does the gentleman know of a single person interested in improvement of the administration of law and punishment who is not in agreement that one of the basic principles that needs to be followed is separation of the young people and juveniles from other persons who have been convicted of crime? Is that not a basic principle? Certainly in the National Capital it should be followed.

Mr. BIGELOW. I think the gentleman is absolutely correct.

Mr. COLLINS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Ohio [Mr. BIGELOW].

Mr. Chairman, the house of detention is a police precinct where women and children are first taken. In order to avoid what my friend from California has just stated, there is provided a house of detention as a place where women and children are incarcerated pending disposition by the courts.

All of these people are arrested by policewomen or policemen and are taken to this house of detention. The provision under discussion merely provides for the maintenance

of this place and keeping these women and children there pending an order which will send them to a home or to some correctional institution.

Near the court building is located the old Police Court Building, which is splendidly equipped, so that there will be a separation not only of race but a separation of children from adults. All of the employees are women, which includes 23 civilians and 23 policewomen. I cannot imagine a better set-up. There is not any mention of a receiving home, as has been alleged by my friend.

Each child who is taken to the receiving home stays there on an average 48 hours, and this is what they would do if they were in this particular place.

Furthermore, I may say to the members of the Committee, if the amendment which the gentleman from Ohio has offered prevails, I shall be compelled to make a point of order against any proposal to appropriate for a receiving home, because there is no law for the establishment of a receiving home in the District of Columbia. The result will be you will not have any place whatever to incarcerate these young people pending an order from some court as to their disposition.

I ask, Mr. Chairman, that the amendment be voted down.

Mr. BIGELOW. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from Ohio.

Mr. BIGELOW. If there is no law and it would be against the rules of the House to make such an appropriation, how was it made last year?

Mr. COLLINS. I imagine it was just one of these items that are carried in the bill from year to year, and the committee merely assumed there was a law authorizing it. However, there is no law authorizing a receiving home in the District of Columbia. We do not even own the building where it is located. Therefore, if the gentleman's amendment prevails, it means he will turn little children loose on the streets.

Mr. BOILEAU. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield to the gentleman from Wisconsin.

Mr. BOILEAU. Of course, little children would not be turned loose on the streets unless the gentleman made a point of order against this amendment.

Mr. COLLINS. I shall be obliged to make the point of order.

Mr. BOILEAU. Then the gentleman will be turning them on the streets.

Mr. BIGELOW. Mr. Chairman, will the gentleman yield further?

Mr. COLLINS. Yes; I yield.

Mr. BIGELOW. I believe the gentleman made the statement the inmates of the receiving home were not arrested.

Mr. COLLINS. The inmates of the house of detention, and the receiving home, too, are arrested by police officers, every one of them. No child stays at either place over 48 hours on an average. This seems to me to be quibbling about tweedledee and tweedledum.

Mr. BIGELOW. There was brought into the receiving home this morning a little girl 7 years old, whose parents had deserted her. She was a little waif on the streets, and she was taken out to this home.

Mr. COLLINS. The police would arrest that child and take her to as good a place as they now have. As a matter of fact the house of detention would be a very much better place than the receiving home.

[Here the gavel fell.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. BIGELOW].

The amendment was rejected.

The Clerk read as follows:

HEALTH DEPARTMENT

Salaries: For personal services, including the employment of a business manager to supervise the business administration and operation of municipal hospitals and sanatoria and business activities of the health department, to be appointed by the Commissioners without reference to the Classification Act of 1923, as amended, and civil-service requirements, and including not exceed-

ing \$16,880 for the inspection of all public establishments and employees where food is sold or served not to exceed \$6,000 for contract investigational services, \$229,290.

Mr. CALDWELL. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. CALDWELL: On page 40, line 4, strike out "\$229,290" and insert in lieu thereof "\$229,690."

Mr. COLLINS. Mr. Chairman, I accept the amendment. The amendment was agreed to.

The Clerk read as follows:

Nursing service: For maintaining a nursing service, including personal services, uniforms, supplies, and contingent expenses, \$143,440: *Provided*, That the Commissioners may accept such volunteer services as they deem expedient in connection with the maintenance of the nursing service herein authorized: *Provided further*, That this shall not be construed to authorize the expenditure or payment of any money on account of any such volunteer service: *Provided further*, That the salary of the director of the nursing service shall be at the rate of \$2,600 per annum.

Mr. BACON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BACON: On page 42, line 6, strike out the proviso beginning on line 6, down to and including line 8.

Mr. BACON. Mr. Chairman, I believe the committee has done a great injustice to a very fine woman who is at the head of the District nursing service. The effect of this proviso is to reduce her salary arbitrarily from \$3,800 to \$2,600 a year. In 1935 the civil service classified this position as professional grade 4, with a salary range of \$3,800 to \$4,400. There was no one on the eligible list and an examination was held. Mrs. Prescott, a very able woman, stood No. 1 on the list, and she was appointed in 1936 as the result of the civil-service examination at the minimum of the grade, a salary of \$3,800. She has served at this salary for the past year. The committee has arbitrarily cut her salary from \$3,800 to \$2,600, in spite of the fact that she had taken the civil-service examination, qualified at the head of the list, and been appointed at the minimum of the grade at \$3,800.

Mrs. Prescott is qualified for this position. She is a graduate of Wellesley College with an A. B. degree. She has a master's degree from Columbia University. She is a graduate of the Massachusetts General Hospital School of Nursing. She has served over 6 years with the Henry Street nursing organization in New York City, and she has had other splendid experience. When she took this civil-service examination she was on the teaching staff of Columbia University. I believe you will agree she is well qualified for this position.

The committee were motivated in meting out this drastic punishment of giving her an arbitrary reduction of \$1,200 a year because they were annoyed at the efforts of a voluntary committee of citizens in this District who were appointed not by Mrs. Prescott but by Dr. Ruhland. It is charged this committee of women were attempting to increase some of the appropriations. However, as this committee of women citizens of the District of Columbia served without pay, the committee could not take it out on them because they were receiving no salary, so they take it out on Mrs. Prescott, with whom these ladies worked.

The chairman of the committee, the gentleman from Mississippi [Mr. COLLINS], will read to you a letter of introduction which Mrs. Prescott sent to the heads of some of the institutions, and, to save time, I will read this letter now:

Memorandum to: Dr. Thomas Thompson, Dr. A. Barkle Counter, Dr. Ella Oppenheimer, Dr. Edgar A. Bocock.

I have enclosed the schedule for observation visits to our clinic services and to Gallinger Municipal Hospital for the members of our advisory committee on public-health nursing.

You will be interested to know that Mrs. R. G. Wagenet, chairman of the committee on child welfare, of the League of Women Voters, has also requested that members of her committee be permitted to visit the clinics and the hospital at this time and will, therefore, join us.

I shall be at the places designated to meet the group of visitors. I know that they will appreciate, in addition, any attention which you yourself can show them, as they are very anxious to learn about the needs of our services in order that they may give us more support in securing appropriations.

I shall endeavor to forward to you before the date of observation the names of those members on the two committees who are to visit your service.

Thank you very much indeed for your cooperation in this matter.

JOSEPHINE PITTMAN PRESCOTT,
Director.

It may be true that this voluntary committee has been seeking larger appropriations for the nursing service and for the hospitals of this town, and I do not know as to that. I do know that appropriations for public health in the District are too small. Mrs. Prescott may have known about their efforts, but Mrs. Prescott did not appoint this committee. The committee was appointed by Dr. Ruhland, and Mrs. Prescott herself did not in any way lobby for any increased appropriations.

I maintain it is a great injustice arbitrarily to reduce the salary of this fine woman by \$1,200 a year, especially after she had qualified at the head of the list under a civil-service examination.

I hope the chairman will accept my amendment and be a little genial, warm-hearted, and kindly.

[Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, the committee does not have very much interest in this matter, I will say to my friend, except in this respect: This lady went out and organized an association to boost her appropriations—

Mr. BACON. Oh, no.

Mr. COLLINS. And after she did this she wrote to the clinics that this committee was going to investigate, and told the heads of the clinics that the committee would be there and that she wished the heads of the clinics would show them all the attention possible because they could help her get increased appropriations.

The day after this lady was before the committee there came into the possession of the committee a letter from one of the members of this Advisory Committee on Nursing, and down in the lower left-hand corner were the dictation marks of the head of the nursing service. The committee called her back and asked her the point-blank question whether she wrote the letter, and she said she dictated it to a stenographer in her office.

This conduct, I will say to my good friend, is in violation of the letter of the law, as set out at page 420 of the hearings, which, in part, is as follows:

Sec. 6. That hereafter no part of the money appropriated by this or any other act shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device intended or designed to influence in any manner a Member of Congress to favor or oppose, by vote or otherwise, any legislation or appropriation by Congress.

Mr. BACON. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. Yes; I will be pleased to yield.

Mr. BACON. I think the gentleman will admit that Dr. Ruhland appointed this committee, and it was under way before Mrs. Prescott ever took office, and she had nothing whatever to do with the appointment of the committee?

Mr. COLLINS. I understand it was with her inspiration and connivance.

Mr. BACON. No; the committee was under way before she ever took the examination or took office.

Mr. COLLINS. The committee felt that if the lady had so much time for outside political work, \$2,600 was sufficient to pay her for her regular duties as director.

Mr. BACON. Mr. Chairman, will the gentleman yield further?

Mr. COLLINS. Yes.

Mr. BACON. The gentleman is not going to suggest that Mr. West's salary be reduced for any activities he may have been engaged in? [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. BACON].

The amendment was agreed to.

The Clerk read as follows:

Gallinger Municipal Hospital: For personal services, including not to exceed six full-time heads of departments at \$5,600 per

annum each, to be appointed without reference to civil-service requirements, and including not to exceed \$2,000 for temporary labor, \$510,000, of which \$13,000 shall be available for out-patient relief of the poor, including medical and surgical supplies, artificial limbs, and pay of physicians.

Mr. BIGELOW. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. BIGELOW: Page 45, line 1, strike out "\$510,000" and insert "\$564,180."

Mr. BIGELOW. Mr. Chairman, there are some 56 guards, employees at the Gallinger Hospital, who work 12 hours a day. Most of them are guards in the psychopathic hospital. These men do not eat in the hospital. They are not provided with sleeping quarters. They have to report at 7 o'clock in the morning and are on duty until 7 o'clock in the evening. That means that they have to get up probably at 6 o'clock in the morning, and it will be 8 o'clock at night before they get their evening meal. I contend that a person who works 12 or 14 hours, day after day, with only one Sunday off every other week, is in no fit mental condition to care for mental patients, because if there is any job that requires self control and freshness on the job, and intelligence and patience, it is that job. These men work 12 hours a day, week in and week out, locked up behind bars with the mental patients. If this amendment is adopted there will be additional funds to change the force over from a 12-hour shift to an 8-hour shift. It is said that they cannot run the hospital on an 8-hour shift. I have talked with the superintendent of the psychopathic hospital and he tells me he would be more than delighted to have this change, that he would get better service out of these men. The United States Steel Corporation once said that it could not run successfully unless it had a 12-hour shift, but it is getting along fairly well with an 8-hour shift. I ask the Members of this House, if you were members of a city council, would you not vote to have this change made? Surely as a member of the city council of the city of Cincinnati, I would have voted to reduce these inhuman hours.

Mr. ENGEL. Mr. Chairman, I rise in opposition to the amendment. The committee last year went very carefully into the situation at Gallinger Hospital and visited that hospital, and did so again this year. Every year there appears before the committee a group of kindly but misguided women belonging to some organization, who for some reason or other make statements not based on facts which find their way into the newspapers. That has been particularly true with regard to Gallinger Hospital. When one of these ladies appeared before the committee, I asked her whether she knew how many employees or how many patients there were in Gallinger Hospital and whether she knew how many patients there were for each employee. She said that she did not know. When I asked her whether she knew how many patients there were for each attendant, graduate nurse, or student nurse, she said she did not. I then said, "If I were to tell you that Gallinger Hospital right now has one employee for every one and sixth-tenths patients, what would you say?" She replied that "it is not true." I said, "If I were to tell you that Gallinger Hospital right now, according to the testimony of Dr. Bocock, has one student nurse, graduate nurse, or attendant for every two and six-tenths patients, what would you say?" She again said that such a statement was not true. She said that I was wrong, that Dr. Bocock was wrong, and everyone else was wrong about the situation. I want to read from the testimony of Dr. Bocock on Gallinger Hospital and the employees. I want the Members of this House to base their decision, as to whether or not Gallinger Hospital needs more attendants, graduate nurses, student nurses, and employees, on these facts. I read from the testimony of Dr. Bocock:

Mr. ENGEL. I want to see if this is right: You say you have 800 patients of all kinds there.

Dr. BOCOCK. Yes, sir, as of today, but the average last year was 868.

Mr. ENGEL. This record shows that you have now 507 employees.

Dr. BOCOCK. Yes, sir.

Mr. ENGEL. That means that you have an employee for every 1.6 patients.

Dr. BOCKOCK. Yes, sir.

Mr. ENGEL. Then, you will have, after the transfer, according to the record, 15 head nurses, 43 graduate nurses, 76 attendants, 22 senior pupil nurses, and 138 pupil nurses, making a total of 293 nurses and attendants.

Dr. BOCKOCK. Yes, sir.

Mr. ENGEL. Those pupil nurses belong to a class of employees who wait upon and take care of patients.

Dr. BOCKOCK. Yes, sir.

Mr. ENGEL. That would make 1 nurse and attendant for 2.6 patients.

Dr. BOCKOCK. There are orderlies—

Mr. ENGEL (interposing). I am talking about nurses and attendants. There is 1 nurse or attendant for each 2.6 patients.

Dr. BOCKOCK. Yes, sir.

I submit, Mr. Chairman, that is adequate for that purpose. If we permit the doctors and the hospital organizations themselves to set a standard as to how many people they want, we will have this city and District bankrupt.

Mr. BIGELOW. Mr. Chairman, will the gentleman yield?

Mr. ENGEL. Yes.

Mr. BIGELOW. There may be too many employees; but if so, it is bad management. However, is that any defense for the employment of people 12 hours a day?

Mr. ENGEL. Will the gentleman get better management by increasing the amount of the appropriation? The gentleman should get at that by improving the management. He will not get anywhere by merely increasing the appropriation. I maintain that 1 employee for every 1.6 patients is adequate, and I maintain that 1 graduate nurse, attendant, or 1 pupil nurse for each 2.6 patients is adequate.

Mr. BIGELOW. Does the gentleman think it is justice to punish the employees for somebody's bad management by requiring them to work 12 hours a day?

Mr. ENGEL. They are not being punished for somebody's bad management. If there is bad management or mismanagement the District legislative committee has authority and is given the funds herein to correct such condition.

[Here the gavel fell.]

The CHAIRMAN (Mr. COOPER). The question is on the amendment offered by the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. BIGELOW) there were—ayes 13, noes 19.

So the amendment was rejected.

The Clerk read as follows:

NATIONAL TRAINING SCHOOL FOR BOYS

For care and maintenance of boys committed to the National Training School for Boys by the courts of the District of Columbia under a contract to be made by the Board of Public Welfare with the authorities of said National Training School for Boys, \$80,000.

Mr. LUECKE of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. LUECKE of Michigan: Page 55, following line 2, insert a new paragraph, as follows:

"NATIONAL TRAINING SCHOOL FOR GIRLS

"Salaries: For personal services, \$31,500.

"For groceries, provisions, light, fuel, clothing, shoes, forage, and farm supplies; medicine, medical service, including not to exceed \$3,000 for medical and dental supplies and services; transportation, maintenance of non-passenger-carrying vehicles; equipment, fixtures, books, magazines, and other educational supplies; recreational equipment and supplies, including rental of motion-picture films; stationery, postage; repairs; and other necessary items, including not exceeding \$2,500 for additional labor and services on a per diem basis; and other necessary expenses incident to securing suitable homes for paroled or discharged girls, \$28,000."

Mr. LUECKE of Michigan. Mr. Chairman, the District of Columbia appropriation bill last year carried \$100,000 for the maintenance of the National Training School for Girls. This year the item has been eliminated. No provision whatsoever is made for girls. It seems to me that the committee has erred in this respect, because it has made no provision whatever for these delinquent girls.

The statement is made in the report, and it has been reiterated on the floor of the House, that these girls should be sent to Lorton or to the Boys' Institute at Blue Plains. It seems to me there is a principle involved here which is

forgotten: That you cannot take these juveniles—that is the thing we should not forget, that they are juveniles—and mix them with hardened criminals or with the boys at Blue Plains. They deserve and should have an institution of their own. I think that is plain, as evidenced by the fact that most of the States in the Union follow out that policy.

At the present time there are 50 inmates of the girls' home. Should this bill pass without provision being made for this National Training School for Girls what will happen? The act which creates the juvenile court contains the provision:

No child once committed to any public institution on order of the juvenile court shall be discharged or paroled therefrom or transferred to another institution without the consent and approval of said court.

In case of failure to include an item providing for this home every time a case came up involving a delinquent girl application would have to be made to the court which sentenced her for permission to send her to some institution other than the girls' home. It seems to me it is going to create a lot of confusion and that this institution should be carried as it has been in the past.

Mr. COLLINS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the gentleman from Michigan undertakes to add a new paragraph to this bill to provide a separate place for the housing of colored girls. According to the statement I made in general debate, the committee proposes to permit the court to send these young girls to the industrial home school for colored children. Out on Wisconsin Avenue is an industrial home school for white children, and at that industrial home school are both boys and girls.

All that is proposed here is to treat the colored children of the District identically as the white children are treated who are sentenced by the Juvenile Court, and send them to an industrial home school for colored; that is all that is proposed.

I said on the floor that the statement in the report that they are to be sent to Lorton was incorrect. The court has authority to send them to Blue Plains. This industrial home school is for colored children, both boys and girls the same as the industrial school for white children is for both boys and girls. They will receive better treatment than they are receiving now, or at least treatment equally as good; so I see no reason whatever why anyone should complain.

Let me give you another aspect of the question: In 1928 there were 119 individuals at this particular place that the gentleman wants to keep open. In 1929 there were 111. In 1934 the number drops to 87, and in 1937, the last year for which we have figures, the population of this institution had dropped to 28; and it is costing in excess of \$2,200 for each one of them. Certainly we ought to transfer them to a school comparable to the school that we give the white children, especially when we can give them the same consideration they are now being given and at the same time reduce the cost per person to a reasonable sum of money.

Mr. MITCHELL of Illinois. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. MITCHELL of Illinois. Is it the gentleman's understanding that these colored girls are to be sent to the home at Blue Plains for colored?

Mr. COLLINS. Yes. That is according to law. The courts have no authority whatever, I may say, to send them to Lorton.

Mr. MITCHELL of Illinois. Is it not a fact that the institution at Blue Plains is already crowded beyond capacity to take proper care of them?

Mr. COLLINS. As a matter of truth, it is the information of the committee it is not crowded. If it is crowded and we find that condition to exist, we will be delighted to give them additional aid.

Mr. LUECKE of Michigan. Will the gentleman yield?

Mr. COLLINS. There was no disposition on the part of the committee to treat these children any differently from the white children.

Mr. LUECKE of Michigan. There is no provision made in here for white girls either.

Mr. COLLINS. Oh, yes. The white girls are sent to the industrial home or school on Wisconsin Avenue. I used to live within two blocks of that school and I know that boys and girls are there and they get along admirably.

Mr. LUECKE of Michigan. The committee is getting away from the principle of providing a home for girls of this type, either white or colored.

Mr. COLLINS. They are the same type exactly at both schools.

[Here the gavel fell.]

The CHAIRMAN (Mr. COOPER). The question is on the amendment offered by the gentleman from Michigan [Mr. LUECKE].

The amendment was rejected.

The Clerk read as follows:

PUBLIC ASSISTANCE

For the purpose of affording relief to residents of the District of Columbia who are unemployed or otherwise in distress because of the existing emergency, to be expended by the Board of Public Welfare of the District of Columbia by employment and direct relief, in the discretion of the Board of Commissioners and under rules and regulations to be prescribed by the board and without regard to the provisions of any other law, payable from the revenues of the District of Columbia, \$900,000, and not to exceed 7½ percent of this appropriation and of Federal grants reimbursed under this appropriation shall be expended for personal services: *Provided*, That all auditing, disbursing, and accounting for funds administered through the Public Assistance Division of the Board of Public Welfare, including all employees engaged in such work and records relating thereto, shall be under the supervision and control of the Auditor of the District of Columbia: *Provided further*, That this appropriation shall be so apportioned and distributed by the Commissioners over the fiscal year ending June 30, 1939, and shall be so administered, during such fiscal year, as to constitute the total amount that will be utilized during such fiscal year for such purposes: *Provided further*, That not more than \$75 per month shall be paid therefrom to any one family.

Mr. BOILEAU. Mr. Chairman, I make a point of order against the proviso appearing on page 58, line 2, after the word "Columbia" and ending on line 7 with the word "purposes."

I make the point of order that this proviso is legislation on an appropriation bill.

The CHAIRMAN (Mr. DRIVER). Does the gentleman from Mississippi desire to be heard?

Mr. COLLINS. Mr. Chairman, the language about which the gentleman complains reads as follows:

Provided further, That this appropriation shall be so apportioned and distributed by the Commissioners over the fiscal year ending June 30, 1939, and shall be so administered during such fiscal year as to constitute the total amount that will be utilized during such fiscal year for such purposes.

Unquestionably that is a limitation upon an appropriation and therefore comes within the rules of the House. The object is to save money, and the provision shows on its face that it will save money.

The CHAIRMAN. May I ask the gentleman from Mississippi if the provision does not impose additional duties upon the Commissioners? Does not the proviso to which the point of order is directed impose additional duties and burdens upon the Commissioners?

Mr. COLLINS. They have a deficiency law now under which they operate.

The CHAIRMAN. What does the gentleman have to say about the saving of money? In what manner will that work out, and how much money will be saved under this provision of the bill?

Mr. COLLINS. It would prevent a deficiency. I may say to the Chair, if it were allocated in accordance with this provision. This is merely the reenactment of current law so that there will be no deficiency.

The CHAIRMAN. The Chair is ready to rule.

Mr. BOILEAU. Mr. Chairman, may I be heard very briefly?

The gentleman from Mississippi [Mr. COLLINS] stated there would be a saving and referred generally to the Holman rule. May I call the attention of the Chair to the fact

this amendment does not provide any saving and therefore the exception of the Holman rule is not applicable in this instance.

The CHAIRMAN. To the proviso found on page 58, beginning in line 2 and following through to line 7, ending with the word "purposes", the gentleman from Wisconsin [Mr. BOILEAU] directs a point of order on the ground that this proviso seeks to impose legislation in an appropriation bill.

The Chair has examined the language employed very carefully, and if I am correct in my construction of that language, it seeks to impose an additional burden upon the Commissioners who are charged with the duty of administering the fund sought to be appropriated. In addition to that, there is nothing apparent in the language of the section that will result in a saving. The inference that we have from the statement of the chairman of the Subcommittee on Appropriations is not sufficient to bring it within the rule that a saving will be effected.

The Chair is therefore of the opinion that the point of order is well taken and so rules.

Mr. COLLINS. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: On page 58, line 2, after the colon, insert "*Provided*, That no part of this appropriation shall be expended in such a manner as to require a deficiency to supplement such appropriation."

Mr. BOILEAU. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman from Wisconsin [Mr. BOILEAU] will state the point of order.

Mr. BOILEAU. Mr. Chairman, I make the point of order that the amendment offered by the gentleman from Mississippi [Mr. COLLINS] would be legislation on an appropriation bill and therefore not in order. The same argument and the same reasons would apply to this amendment as to the former proviso which was stricken. It is legislation on an appropriation bill.

The CHAIRMAN. The Chair is ready to rule.

The Chair has examined the amendment carefully and is of the opinion this is a limitation; therefore the point of order is overruled.

The question is on the amendment offered by the gentleman from Mississippi [Mr. COLLINS].

The question was taken; and on a division (demanded by Mr. BOILEAU) there were—ayes 38, noes 12.

Mr. BOILEAU. Mr. Chairman, I demand tellers.

Tellers were refused.

Mr. BOILEAU. Mr. Chairman, I object to the vote on the ground there is not a quorum present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and one Members are present, a quorum. So the amendment was agreed to.

Mr. DIRKSEN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DIRKSEN: On page 57, in line 19, strike out "\$900,000" and insert in lieu thereof "\$1,900,000."

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent to proceed for an additional 5 minutes.

Mr. COLLINS. Mr. Chairman, reserving the right to object—

Mr. TABER. Mr. Chairman, I make the point of order against the amendment that this increase is not authorized by law.

The CHAIRMAN. The point of order of the gentleman from New York comes too late. A request has already been presented, and there has been a reservation of objection to it.

Mr. COLLINS. Mr. Chairman, I reserved the right to object in order to ask unanimous consent that all debate on this paragraph and all amendments thereto close in 30 minutes.

Mr. BOILEAU. I object, Mr. Chairman.

Mr. DIRKSEN. I hope the gentleman will not object to my having an additional 5 minutes. I purposely refrained

from being heard on this bill in the course of general debate, pending this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. DIRKSEN. Mr. Chairman, I trust the Committee will give me its attention for a few moments, because this is a very important matter involving an increase, as proposed by this amendment, of \$1,000,000 for the purpose of public assistance in the District of Columbia.

A great deal has been said about this matter, but it seems to me it is high time to skeletonize the argument and present the picture as it really exists. There has been created by statute in the Nation's Capital a Board of Public Welfare, which looks after all the welfare agencies and the institutions, and almost everything that can be considered a matter of social or public welfare. It looks after the penal institutions. That Board looks after the reformatories, and pensions for the needy blind. It looks after aid to dependent children. It looks after the homes where children are established. It looks after the institutions to which children who become wards of the juvenile court are finally committed under order of that court. In addition, it administers the social security provisions as they obtain here.

Mr. COLLINS. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. I yield to the gentleman from Mississippi.

Mr. COLLINS. The gentleman is mistaken about this provision being applicable to wards of the juvenile court. The provision covers other matters.

Mr. DIRKSEN. I am speaking about homes.

Mr. COLLINS. The matter to which the gentleman refers is not in the list.

Mr. DIRKSEN. I believe it is, as nearly as I know, having examined the functions of these various agencies.

Mr. COLLINS. The gentleman is mistaken.

Mr. DIRKSEN. That item is neither here nor there as far as the pending amendment is concerned. I just wanted to get into the minds of the members of the committee a picture of the over-all functions of the Board of Public Welfare.

Under the provisions of the act and coming within the purview of the Board is this matter of public assistance, for which the subcommittee has reported \$900,000. I have offered an amendment to increase the amount to \$1,900,000, which is a clear increase of \$1,000,000. In my judgment, this additional \$1,000,000 is not enough, but certainly I am satisfied, and I do not want to ask too much. I believe if we can increase the amount by \$1,000,000, it will go far toward remedying the very disastrous conditions that exist in the District and will still exist when this bill goes into effect.

It has been said here, for instance, there has been a decrease in the number of requests for assistance. This does not square with the facts. The facts are that since July of 1937 the Board has been turning away people and refusing them relief because they could not grant the relief. I believe that is the essential fact, if you will go into the matter.

Bear in mind, secondly, if this amount is increased there will be, of course, a small requirement to come out of the social-security fund or out of the Federal funds, but do not let anybody persuade you that all this money is matched by the Social Security Board, because it is not. Out of the \$900,000 recited in the bill at the present time, substantially only \$102,000 or \$103,000, providing for aid for dependent children, is matched by the Social Security Board. Insofar as the rest of the money is concerned, it comes out of the general revenues of the District of Columbia.

May I say parenthetically in that connection, it does seem singular to me that when the people of the District of Columbia through their social agencies, through their Board of Public Welfare, and through people who are prominent in public life in Washington, have repeatedly indicated there is mass starvation in the District, and that they need more money, the subcommittee should deny those recommendations and those requests. I am informed—and I received my infor-

mation by telephone, by calling people up and telling them, "This is what I want to know." These people are scared to death of the Budget Bureau and will not volunteer information, but if you will call some District official and say to him, "I want some facts on this matter," he will give them to you. When I called up to find out what was asked in the first instance, before they went to the Budget Bureau, I found they asked for over \$2,000,000 for this purpose, and in addition they asked \$1,200,000 for the care of those who are employable. The money provided here will go to the unemployables in the District and not to those who could be employed, simply because there will not be a single dime available for able-bodied employables.

The only reason for this is that the amount is so niggardly they cannot afford to take on a load of people who have the physical ability to work because the money simply is not going to cover those who at the present time are placed in the category of unemployables.

You can write it down in the book that the people of Washington, D. C., want this increase. They would like to have more if they could get it, and they will pay for almost all of it out of their own pockets. Now, is it not singular, indeed, in view of the fact that this Chamber has resounded time and time again with the demand that we decentralize relief and put it back upon the communities, municipalities, and those who will administer it in a local fashion—is it not singular, in view of all these protestations, that the report of the subcommittee, as embodied in this bill, would seem to indicate they are not willing to go along with the desires of the people in the Nation's Capital who are willing to see themselves taxed for the purpose of carrying this load?

You noticed in the newspapers just a day or two ago that the Catholic Charities had a meeting at the Willard Hotel and there publicly they protested the niggardly treatment the distressed people of the District are getting in the matter of relief. You noticed that last Sunday the Federation of Churches commented on the subject of mass starvation here.

Mr. CASE of South Dakota. Mr. Chairman, will the gentleman yield?

Mr. DIRKSEN. In just a moment.

If they are willing to tax themselves to look after the load, is it not high time that the Congress placed its seal of approval upon this demand and said to them, "If you want to carry the load out of your own funds, if you want to be taxed so that the relief money will go into the general fund and you can look after the people who are in need," is it not high time that we amended this bill and added at least \$1,000,000 for such a purpose?

Now, a lot has been said about the abuses in relief, and a lot has been said to the effect that this is a racket. They will point to certain tables in the hearings to indicate that the amount has gone up as high as \$100 a family. Yet, if you go back and examine the details to find out how many times this has happened, you will find it has happened once or maybe twice, and they then argue from a single instance and build up a generalization that will not hold true. If you want to know what the average is per person here in the District of Columbia under the relief administration, it is about \$26. Instead of talking about relief being a racket and talking about these extraordinary cases that are few and far between, why does not the subcommittee give us the facts and say that the average is \$26, which happens to be the fact, as I have verified no later than this morning through the Bureau of Public Welfare.

I submit to the members of the Committee this is a local problem and they want to tax themselves to take care of their own.

While there has been some chiseling, and, perhaps, some malingering, you will find that in every State of the Union. That happens in my State and it happens in your State, but is that any reason why the people who are destitute and in need, who are among the unemployables and many of whom are unattached persons, should be denied a reasonable measure of relief within the very shadow of the Nation's Capitol? I say to you it is a crying shame and a crime

that such a thing should exist. It is high time that the Congress of the United States, through the agency of this committee, should approve an amendment for \$1,000,000 more that will put this matter on far better ground and do justice by the people who are under a kind of mass starvation at the present time.

I now yield to the gentleman from South Dakota.

Mr. CASE of South Dakota. Does not the gentleman think that the problem in the District is increased by the very fact that the limits permitted here are higher than anywhere else in the country under the relief program?

Mr. DIRKSEN. I am not sure about that.

Mr. CASE of South Dakota. Seventy-five dollars is higher than one can get anywhere in the West.

Mr. DIRKSEN. There have been some such instances, but how can you seek to build up a generalization as a result of a few cases of that kind? Why not stick to the average which is \$26, which is a far better indication and a much better criterion of what is going on?

I ask that the committee support this amendment to increase the amount for relief needs through public assistance by at least \$1,000,000 as provided in the amendment pending at the desk. [Applause.]

Mr. COLLINS. Mr. Chairman, I ask unanimous consent that debate upon this amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate upon this amendment and all amendments thereto close in 30 minutes. Is there objection?

There was no objection.

Mr. ENGEL. I would like to have 5 minutes.

Mr. COLLINS. I should be very glad to yield the gentleman 5 minutes.

Mr. MICHENER. Mr. Chairman, is this time in somebody's control, or is it in the control of the Chair?

The CHAIRMAN. It is in control of the Chair. The gentleman from Michigan is recognized for 5 minutes.

Mr. ENGEL. Mr. Chairman, in view of the fact that the gentleman who preceded me [Mr. DIRKSEN] took 10 minutes, and as I am a member of the committee, I ask to be permitted to proceed for 10 minutes.

The CHAIRMAN. The gentleman from Michigan asks unanimous consent that he be permitted to speak for 5 additional minutes. Is there objection?

Mr. VOORHIS. Mr. Chairman, I reserve the right to object. Do I understand that the time is then to be limited to 35 minutes?

The CHAIRMAN. The time has been limited to 30 minutes. In accordance with the usual practice, the Chair took notice of gentlemen who were on their feet at the time that unanimous-consent request was made, and the following names appear on that list: Mr. TABER, Mr. LEWIS of Maryland, Mr. ENGEL, Mr. VOORHIS, Mr. BIGELOW, and Mr. COLLINS. The gentleman from Michigan is recognized for 5 minutes.

Mr. ENGEL. Mr. Chairman, before we proceed further let us find out how much we have spent for relief each year in the District of Columbia since 1933. For the purpose of affording relief to residents of the District of Columbia, employed or otherwise, we appropriated in 1933, \$1,150,000, while the Community Chest raised \$1,557,000 more. Nineteen hundred and thirty-three was the year that the banks were closed and we reached the bottom of the depression. In 1934 we appropriated \$1,300,000 and the Community Chest raised \$1,402,000. In 1935 we appropriated \$2,000,000, while the Community Chest raised \$1,448,000. In 1936 we appropriated \$2,350,000 and the Community Chest raised \$1,565,000; while in 1937 we appropriated \$1,600,000 and the Community Chest contributed \$1,605,000. Last year we appropriated \$1,465,000 for the fiscal year ending June 30, 1938, and the Community Chest estimated \$2,058,000, all of which has not yet been paid. In other words, we are raising more money this year from all sources than we did in 1933.

Let us see what the conditions are in the District of Columbia. There was no depression in 1929 in the District. We had the same number of Government employees here in 1929, 1930, 1931, and up to 1933—that is, 65,000 employees—while in 1937 we had 112,000 Government employees. In my district our factories are working 25 percent of the time, while these 112,000 checks go out to the highest paid labor in the world for that class of employment twice a month as sure as the sun rises and sets. The testimony further shows that for each Government employee there are 2.8 other people who come with him. All this means extra employment and extra pay roll in service stations, gas stations, in grocery stores, and so forth.

Mr. DIRKSEN. Mr. Chairman, does the gentleman care to yield?

Mr. ENGEL. No; I have only 5 minutes. We have some of the finest colored people in America here in the District of Columbia, but the testimony shows that 70,000 Negroes came here from south of the Potomac River in the last few years. The testimony shows further that the relief administration gave relief since 1933 to 5,000 more Negroes than there were Negroes in the District of Columbia in the 1930 census. When I asked the head of the Public Welfare about it he said that was not true. I then asked how many separate individual Negroes he gave relief to since 1933 and he could not answer. Every time they have a new case they give it a new number if they do not duplicate. It should be a simple matter to determine the number of new cases, yet he could not tell me. The testimony shows that 250 families got in excess of \$65 per month, and as high as \$100 a month, in addition to clothing and food allowances. We lowered the limitation from \$100 a month to \$75 a month—250 families getting in excess of what the head of the family could earn working at common labor in the District of Columbia. The W. P. A. workers here earn \$45 a month. I have no criticism personally to make of Miss Hill, but she is an idealist. I asked her what she thought we ought to do with these people who are earning \$65 a month and she told me that she thought that we ought to supplement the amount a family could earn at common labor with enough to bring it up to what she thought that family ought to have, which, in some cases, amounted to \$115 a month.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. LEWIS of Maryland. Mr. Chairman, may I ask the chairman of the subcommittee whether more than 5 minutes can be accorded to me?

Mr. COLLINS. No; I regret that it cannot be. We have fixed the time and there are six names and each will have 5 minutes.

Mr. LEWIS of Maryland. Mr. Chairman, in so brief a time I can only grasp the opportunity to give my personal reactions to the subject. It should first be borne in mind that the people of Washington are the subjects of an absentee government.

You answer, "Oh, no; we, their government, are all here and we live in the city of Washington of necessity." But it is only our physical presence they get. We are not their representatives. In the nature of things, they cannot get a real interest; and not, I hope, more delinquent than other Members of Congress, I must say that a minimum of time, a very minimum of time, is given by me, as one of their city counselors, to the affairs of the city of Washington.

In a broad way, since they cannot speak themselves, and have no agents of their own to act for them, we are in the position of simply being asked by the proponents of this motion to give them the opportunity to discharge their high duties of charity and justice.

I know how men are approaching this subject in the United States. They, perhaps, have not looked over the oceans to see what is happening. Let me say to the Members of the House that during this depression the Nazi government has been more generous to its unemployables

and to its unemployed than a government here in the country of Washington; that, taken together, both the British Government and the German Government have expended twice as much for those purposes, in terms of their population, as we are expending here.

Who should know best about this matter, gentlemen like ourselves on the Hill or the Board of Public Welfare of Washington? What does the Board say about unemployables? It recommends \$2,022,000 as the sum necessary to care for them. The committee reports only \$900,000. As to aged persons the Board recommends \$751,000. The committee provides but \$489,000. As to the employable who cannot find employment, the Board recommends \$1,250,000. How much is given in this bill? Not even a crust of bread.

Some men may be able to rest very comfortably and sleep serenely tonight, in the thought that they have done their duty when they give the taxpayer only the benefit of their doubts in their vote on this matter. I shall not do so. I cannot but reflect that during this whole depression I, myself, and my family, and you who are here, have not, perhaps, missed a juicy beefsteak during the whole term of this depression. Is this because of our superior excellence or rights before the throne of God? Not by any means. In my own humble case permit me to admit that it is a pure matter of luck that I am so well employed, or so well paid when hundreds of thousands of others have not even the work or the promise of the work to get their daily bread.

[Here the gavel fell.]

The CHAIRMAN. The gentleman from California [Mr. VOORHIS] is recognized for 5 minutes.

Mr. VOORHIS. Mr. Chairman, this is a difficult proposition we face in connection with the District appropriation bill. The amendment offered by the gentleman from Illinois is demonstration of what happens when we as a national Congress fail to provide, as we have failed to provide, a program of useful and necessary work for unemployed people commensurate with the volume of unemployment. This is what happens when you try to dump back on local communities a lot of people who would like to work and who deserve an opportunity of work, who could increase the wealth of America if given the chance, but whom we force to take relief instead.

We are told, in effect, here, that it is impossible to permit the people of the District of Columbia to tax themselves in decent fashion so that they can prevent beggary in their own streets. I think it is a preposterous proposition.

It has been said that these people are transients. A careful study was made of 252 families needing relief. One hundred of those families were born in the District; and of the 450 people included in those families only 31 had not been in the District for over a year and a half.

I believe that the Washington Post is a conservative newspaper, but editorially on January 28 they said, regarding this \$900,000:

Perhaps even worse is the committee's endorsement of the present policy of starvation for the unemployed here. The meager allowance of \$900,000 for the public assistance division will not even permit reasonable care of the unemployables, with nothing for destitute families whose breadwinner has no job. At a time when the Federal Government is properly asking local communities to take over a larger share of responsibility for their unemployed, this attitude is inexcusable.

One reason for the serious condition here in the District is that there is not money enough to open cases. I have figures from the Board of Public Welfare here to the effect that in the month of December it was necessary to refuse absolutely to open 1,038 cases, in spite of dire need existing, because there was not money enough to afford them any relief. This fully explains the chairman's claim that the number of cases on relief is now less than it was a few months ago.

Furthermore, there are 29,000 people now registered for work at the District of Columbia Employment Center without

a job in sight. The W. P. A. has over 8,000 people on its rolls in the District, with 29,000 unemployed.

Mr. DIRKSEN. Will the gentleman yield?

Mr. VOORHIS. I yield to the gentleman from Illinois.

Mr. DIRKSEN. Is the gentleman aware of the fact the unemployment census conducted by a great Republican businessman from Toledo, Ohio, showed 37,000 people totally unemployed and 12,000 partially unemployed in the District? I believe they undershot the mark. This would be a total of 50,000 either totally or partially unemployed.

Mr. VOORHIS. I thank the gentleman. As a matter of fact, the situation in the District of Columbia is a most serious one. We find, as was pointed out by the gentleman from Maryland, that the Board of Public Welfare, a responsible body, did request a total of over \$2,000,000 for the care of unemployable people; that is, people who cannot be employed for one reason or another. The fact it has been impossible for many of these cases to be opened at all merely means that the appropriation of funds for this purpose is inadequate. Admitted that deep problems are involved and admitted that the Congress ought to solve these fundamental problems, nevertheless we must take matters as they now are, and in the National Capital of the United States there are some of us who declare that, if it is within our power to prevent it, we shall not condemn to absolute starvation people for whom America at present offers no employment opportunity.

May I just read briefly from this document here from the Public Welfare Board, sent at my request?—

There is no other large city in the country of which we are aware in which there is so acute a situation of need. Other States and cities are making appropriations for relief of the employables. Here we not only can make no appropriations of our own for their relief, but are faced with completely inadequate funds for the relief of two-thirds of the unemployable needy as well.

If this amendment is not adopted it will literally be necessary to take 1,800 of these families, who are now able to get some relief, off the rolls altogether. Thousands of others have never been helped at all. I hope the amendment will be adopted.

The CHAIRMAN. The gentleman from New York [Mr. TABER] is recognized for 5 minutes.

Mr. TABER. Mr. Chairman, we have a duty to perform here in deciding whether we wish to sustain a committee which has gone into this situation thoroughly, analyzed it carefully, and brought in a report based upon sound judgment, which sound judgment appeals to the better element in the District of Columbia.

Let me read a portion of a resolution adopted by the Board of Trade of the District of Columbia:

After consideration by the executive committee in special meeting today, the Board of Trade recommends that the House of Representatives pass the bill as reported by the Committee on Appropriations totaling \$45,827,000.

The amount of funds available under this bill will be just the same as are available this year. This fact was testified to by Miss Hill as shown by page 806 of the hearings. There is a larger amount available for old-age assistance. There is a larger amount carried in the bill which will be supplemented by contributions from the Federal Government. On top of that, here in the District there is an increase in the amount recommended by the committee for work upon streets amounting to \$1,000,000. This provides employment for the employables of the District. In addition to that, as against 500 apartments and houses that were under construction in 1933 there were 9,500 under construction at the time these hearings were held a few days ago. Is that not evidence of the tremendous opportunity for employment that is being offered to the working people of the District of Columbia? There is small excuse for relief.

The gentleman from Illinois stated that the average was only \$26 in each case, but we all know that the people who are on relief are only on relief for a very small part of the year. They are not on relief for the whole year. These

people are on relief for only, perhaps, 3 months in the winter-time, and an average of \$26 a month would permit a payment as high as \$70 or \$75 per month for the time they are on relief.

The committee found a great number of abuses in this matter. Large sums were allocated for relief to individual families, and the committee has tried to correct that situation.

After a fair approach to this problem by the investigators of the Public Welfare Bureau, after a fair approach to the problem from other angles, with the tremendous opportunity for employment in the District of Columbia, with 112,000 Federal employees in the District today as compared with 65,000 in 1933, with 19 times the construction work going on at the present time, is it fair to assume that we should raise funds available for relief more than double? It seems to me that we must have a sense of responsibility when we vote here. We must remember that sense of responsibility to the taxpayers who do live in the District, even if we do not live in the District. We should keep down expenses so that waste cannot take place, although ample opportunity is provided to take care of needed relief.

[Here the gavel fell.]

The CHAIRMAN. The gentleman from Ohio [Mr. BIGELOW] is recognized for 5 minutes.

Mr. BIGELOW. Mr. Chairman, the preceding speaker reports a request of the board of trade of this city that we keep the present appropriation for the District of Columbia down to the existing level. The members of the board of trade are asking for tax relief. Oh, yes; they want the undistributed-profits tax modified or repealed. Personally, I am going to vote to give business what business is asking for in the way of tax relief, but I am not going to respond to the despicable request of these businessmen who ask for tax relief for themselves and starvation relief for the poor. [Applause.]

I complained to a former city manager at Cincinnati about the inadequate relief in my city and his answer was:

Oh, we have it well in hand. Nobody is throwing bricks through windows.

That is the attitude. Drift along. Do nothing until somebody throws bricks through windows. When they do throw bricks you arrest them.

Thirty-six persons perhaps got a little too insistent in the city hall of my city the other day in demanding relief and they locked them up. I said they locked up the wrong people. They should have locked up the city council. I will have the same feeling about this Congress if this amendment is voted down.

According to the Biggers report, we have 37,500 unemployed here. The rule on which the relief department is operating is that no relief whatever is offered to women and children if there is a man in the family, one of these 37,500 who is out of a job.

A judge out west had a case before him in which the question was whether the allowance for relief was adequate. He and his wife tried to live on it themselves. He recommended that Congressmen, by living on such rations, if they tried it, he thought there would be less talk and more action here on the Hill.

Mr. Chairman, it does seem to me that there is the time for the Congress to practice a little Christianity and get something of the real spirit of religion into our Government. The function of the Government in the last analysis is the same as the function of the church. As a great churchman once said, his organization on earth existed to check the mighty and uplift the lowly.

Mr. Chairman, I believe in voting on this amendment today we have an opportunity to uplift the lowly in the District of Columbia. [Applause.]

Mr. COLLINS. Mr. Chairman, the section to which the amendment has been offered dealing with general relief and aid to dependent children, plus the next section, which deals with home care for children, and the following section, which deals with old-age security, should be considered together

when you vote on this amendment. Generally we group these three appropriations together and add to them such moneys as come from the social-security fund. Doing this, we find the sum available, eliminating all administrative expense, for the fiscal year 1938 was \$2,280,000, and this same amount is carried in the bill before you today.

Let me call your attention to this further fact in that connection. If you will take the reports of the Board of Public Welfare for April, July, and December, you will find the cases are fewer today by 556 than they were in July and 1,247 fewer than they were in April. This is the situation in which we find ourselves. We have more than 1,200 fewer cases than we had in April of last year, less than a year ago, and 556 fewer cases than we had in July. Month after month the number is growing less.

Furthermore, if a man is on relief today, he comes under the social-security funds, which are supplemented by the Federal Government, and necessarily this reduces the amount and makes more money available for expenditure for relief.

May I call your attention to the general relief situation in this District. Mr. Cass is the representative of W. P. A. in the District. Practically all of these cases come to him after they have been turned down by the District. The reason they go to the District first is that a husband with a wife and three children can get \$100 a month, whereas if the husband is a worker he cannot get over \$48 a month. Therefore, he would rather go on relief under the District than become a W. P. A. worker.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I am sorry, I do not have the time.

What is the situation with reference to W. P. A. in the District? Mr. Cass made the statement—a copy of which I hold in my hand—that he had newspaper reports to the effect that there were a large number of people deserving relief in the District who were not taken care of. He set up a department in W. P. A. known as the division of intake and certification. He stated yesterday that there had come into his office since the 15th day of December 563 cases eligible for relief. Of this number 52 were turned down because they were not eligible, leaving 511 who were eligible. Of these 511 eligibles 400 have already gone to work and Mr. Cass stated he would give the remaining 111 jobs within 10 days.

[Here the gavel fell.]

Mr. BOILEAU. Mr. Chairman, I offer a preferential motion to strike out the enacting clause.

The Clerk read as follows:

Mr. BOILEAU moves that the Committee do now rise and report the bill back to the House with the recommendation that the enacting clause be stricken out.

Mr. BOILEAU. Mr. Chairman, the gentleman from Mississippi a moment ago made a statement that prompted me to take the floor now to challenge its implication. The gentleman stated the reason so many of these people are trying to get direct relief first is that a family consisting of a husband, a wife, and three children can get \$100 a month on direct relief, whereas they can get only about \$45 from W. P. A. This statement obviously was made for the purpose of trying to give the members of the Committee the impression that people on direct relief are being treated that way. I challenge the implication of this statement because the statement implies that all families consisting of a father, a mother, and three children receive such generous treatment.

According to the hearings, there was not on the relief pay roll in December a single family in the District, whether it had 3 children or 10 children, which received that amount. Not a single family received between \$95 and \$100. Between \$90 and \$95 there was one family. Between \$85 and \$90 there was one family. Between \$80 and \$85 there were five families. Between \$75 and \$80 there was one family. Between \$70 and \$75 there were 7 families, between \$65 and \$70, 11 families, and between \$60 and \$65, 27 families. Then as the amounts received grow smaller the number of families receiving those sums increases.

I submit to the gentleman there may be an instance where a father, a mother, and three children may be so sick and

bedridden they need that kind of help, but it is not fair to the Committee to give the impression that people on relief in the District of Columbia or elsewhere in this country are being given treatment which enables them to live in luxury. These people, I understand, have an average income of \$26 a month.

Mr. DIRKSEN. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. DIRKSEN. Did the gentleman hear anybody contest or controvert the statement that the average income is \$26 a month?

Mr. BOILEAU. The gentleman made that statement before, and no one has denied it. It is more along the line of what is actually taking place here; and I want to say to the gentleman from Michigan, who talked about \$65 being a lot of money for relief, I can very easily visualize a home in which there are 8 or 10 children and a father and mother and, perhaps, an aged mother-in-law or father-in-law; and if you say it is humane or decent to expect such a family to live on such a small amount as \$65 a month, I cannot agree with you, because they must take a good big bunch of money out of that \$65, which is very high in the matter of relief, for rent, and then more money for fuel and light, and if they have a large family of 10 or 12 children, they do not have enough money to buy the proper amount of milk, according to any decent standards.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. BOILEAU. I yield.

Mr. RANDOLPH. Men like the gentleman from Maryland and myself, whose districts are adjacent to or near the District of Columbia, and who have persons living here in this city, not by the hundreds but by the thousands, know the demands upon us have increased tenfold during the last 2 months.

Mr. BOILEAU. I thank the gentleman, and I may say that in my humble judgment, when the Congress of the United States restricted the expenditure of funds for W. P. A., under the provisions of the so-called Woodrum amendment, and denied the spending of W. P. A. funds for the relief of human suffering, now the same Congress which at that time argued that the larger part of this burden of relief should be placed on the local communities, the same Congress which took that position with respect to Federal appropriations for W. P. A. now states that we will not even let the municipality assume its responsibilities with respect to relief of human suffering.

I appeal to the membership of the House to support the amendment offered by the gentleman from Illinois. They do not have to spend this money, but at least we ought to put the District government in a position where it can give such relief as may be necessary for the purpose of keeping body and soul together in decency. The Lord knows that from past experience we are justified in believing they will not be any too generous.

I think we ought to adopt the amendment. [Applause.] [Here the gavel fell.]

Mr. COLLINS. Mr. Chairman, I rise in opposition to the motion.

The gentleman from Wisconsin [Mr. BOILEAU] refers to the case of a husband and wife and three children, which is the illustration I gave in my speech a few minutes ago.

In the hearings, when I asked Miss Hill how much would be provided for aid where there was a husband, wife, and three children, she testified the amount would be \$93.50. She also testified that since October, in about 200 cases, the amount for dependent children had been increased. Last year I called the attention of the Congress to the fact that this same lady testified that this same family last year would receive \$75 per month. Now, this is the picture.

Miss Hill also testifies that she believes that persons on long-time relief should be given the maximum and that persons on short-time relief should not be considered in the same favorable light.

I maintain there are plenty of colored families and white families, too, in the District of Columbia that have a father, a mother, and three children in them, where the initial monthly check plus the supplementary check and plus food that is given them out of another fund amounting to over a million and a half dollars, and, plus clothing, that is given out of still another fund, will equal a total amount in excess of \$100, and we know that the prevailing wage under W. P. A. in the District is \$45 a month.

With reference to the sentiment in the District of Columbia, the gentleman from Texas [Mr. RAYBURN] handed me a letter today from the president of the Washington Board of Trade, the leading trade organization in this District, stating that the Washington Board of Trade, of over 4,000 members, is in favor of this bill as is. In addition to this I have a telegram that came to me just a few minutes ago from the Washington Taxpayers' Association, which states that they represent 100,000 residents of the District of Columbia, and in addition to this I had a telephone message from the head of the Federated Citizens' Association to the same effect.

Now, who is left favoring this increased appropriation? A few social workers in the District. The rank and file of the citizens of this District know, as does the Budget Bureau and each and every one who has gone to the bottom of this subject, that ample funds are carried in this bill for the relief of all persons who can draw relief under the terms of this provision and the next two provisions that follow.

This is the situation as it exists today, and in addition thereto we have the Community Chest, and in addition to that we have W. P. A., which has poured more than \$35,000,000 into this District since 1933.

[Here the gavel fell.]

The CHAIRMAN. The time of the gentleman from Mississippi has expired. The question is on the amendment offered by the gentleman from Wisconsin to strike out the enacting clause.

Mr. BOILEAU. Mr. Chairman, I ask unanimous consent to withdraw my motion.

The CHAIRMAN. Is there objection?

There was no objection.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

Mr. DIRKSEN. Mr. Chairman, I ask unanimous consent that the amendment be again reported.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

There was no objection, and the Clerk read as follows:

Amendment offered by Mr. DIRKSEN: Page 57, line 19, strike out "\$900,000" and insert in lieu thereof "\$1,900,000."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken; and on a division (demanded by Mr. DIRKSEN) there were—ayes 37, noes 67.

So the amendment was rejected.

Mr. CRAWFORD. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAWFORD: Page 57, in line 19, after the word "exceeds", strike out "7½" and insert in lieu thereof "5."

Mr. CRAWFORD. Mr. Chairman, after making a few remarks I desire to ask the chairman of the subcommittee a question or two with reference to the table appearing on page 855 of the hearings. For several years we have been engaged in this business we call relief, and it seems to me it is probably time that we should get down to where we can operate this new industry along lines of reduced overhead costs as any other industry learns to operate itself at a decreased cost after it has found its operating channel.

I do not question the committee's judgment in leaving 7½ percent in the bill instead of 5 percent, but I express my personal opinion, not as an expert, simply as a Member of the House, that I think relief funds should be administered at not to exceed 5 percent. Under date of January 29 I secured

the latest unemployment figures which could be obtained through the cooperation of Mr. Roger W. Jones, assistant executive officer of the Central Statistical Board at that time; from Mr. Robert Nathan, economist of the Bureau of Foreign and Domestic Commerce; from the American Federation of Labor; and from the National Industrial Conference Board, and while we are discussing the unemployed, I submit these figures for your consideration. The National Industrial Conference Board informs us that between November and December there was an increase of 1,300,000 in the number of unemployed workers, bringing the total unemployed to 8,998,000, that since September the number of unemployed persons has increased by approximately 3,000,000.

Mr. Robert Nathan says that in November 1937, according to his figures and estimates, there were 7,400,000 unemployed as against 10,000,000 in 1934 and 1,600,000 in 1929. The American Federation of Labor indicates that in November 1937 there were 8,478,623 unemployed in this country as against 1,948,856 unemployed in 1929. So with an increase of 3,000,000 since September, and with the report that we have under discussion here today with reference to what is taking place in the District of Columbia, it appears to me that this industry which we call relief will have to continue for sometime to come, and certainly there is a bottom to the meal barrel at some place in the future.

Mr. Chairman, I ask the chairman of the subcommittee with reference to this table on page 855 of the report, where it speaks of the number of cases receiving between so many dollars and so many dollars a month, whether that refers to families?

Mr. COLLINS. That is supposed to refer to families.

Mr. CRAWFORD. In the middle section of the table, "December pay roll for aid to dependent children," giving the number of cases receiving between so many dollars and so many dollars, does that refer to individuals or families?

Mr. COLLINS. All families, as I understand.

Mr. CRAWFORD. And in the last section of that table, does that refer to families or individuals? That is for home care.

Mr. COLLINS. Home care is an old institution of the District, carried for a long number of years, where a child is cared for in the family to which it belongs. I would take it to mean that that refers to families also, but I would not be certain about that.

Mr. CRAWFORD. Then is not this the table to which the gentleman from Illinois [Mr. DIRKSEN] refers when he arrives at an average of \$26 per family?

Mr. COLLINS. As I understood the hearings, that figure was higher than that on the average. Of course, in lots of these cases there is only one child to be cared for, and in that case the figure would be very low. With two children it would be about double that. A number of these cases is just one old man or one old woman. I would say that a majority of the cases all told are single cases.

Mr. CRAWFORD. Mr. Chairman, the answers to the questions which I have just propounded to the chairman of the committee are very enlightening. Referring to the table, I find that the figures show a great many cases where monthly payments are being allowed in excess of \$50 per month—in fact, in many, many cases allowances in excess of \$75 per month—and as I understand the committee chairman these payments are being made to individuals. If my understanding is correct, I can only observe that all this is entirely out of line with allowances made throughout the country, in my State and in other States, where entire families under relief and social security are receiving much lesser sums than are being granted here in the District. If this is true, I feel it is entirely unfair and that the practice should not have our support.

I desire to submit for the information of the Members of the House the following unemployment figures to which I referred only a few moments ago:

Mr. Nathan's figures on total unemployment

Year:	[In thousands]	
1937 (November)	-----	7,400
1936	-----	7,100
1935	-----	8,500
1934	-----	10,000
1933	-----	10,600
1932	-----	12,000
1931	-----	9,300
1930	-----	5,900
1929	-----	1,600

AMERICAN FEDERATION OF LABOR ESTIMATES

Key figures for the years 1929 and 1932, and their adjusted estimates as of the end of November 1935, 1936, and 1937:

1937 (November)	-----	8,478,623
1936 (November)	-----	8,286,686
1935 (November)	-----	9,960,775
1932	-----	13,925,102
1929	-----	1,948,856

NATIONAL UNEMPLOYMENT CENSUS

In the January 1, 1938, report addressed to the President by Mr. John D. Biggers, Administrator, we find this interesting comment: "Thus the voluntary registration of totally unemployed, including the emergency workers, was 7,822,912, of which 5,799,814 were males and 2,023,098 females." We should keep in mind these figures were revealed by the voluntary unemployment registration, November 16 to 20, 1937, and our subsequent enumerative test census.

NATIONAL INDUSTRIAL CONFERENCE BOARD ESTIMATES

The May 24, 1937, issue of the Conference Board Bulletin, page 67, shows that according to its estimate there were unemployed:

Year:	[In thousands]	
1929 (March)	-----	1,054
1932 (March)	-----	12,043
1933 (March)	-----	14,948
1935 (March)	-----	11,100
1936 (March)	-----	9,788
1937 (March) (preliminary)	-----	7,529
1937 (December) (information)	-----	8,998

Let me call your attention to the close relation between the estimates of these different agencies as to the number of unemployed at the close of the year 1937. Of course there is great difficulty in getting an absolutely accurate check on this problem, perhaps it would be impossible to do so. But these figures are most valuable. Mr. Chairman, it seems to me that one of the greatest contributions that could be made to the peace of the world at this particular moment would be the creation of a situation whereby it could truthfully be reported that these idle millions had been returned to remunerative employment in private industry. If they are to remain idle, on public relief rolls, and without the chance to give expression to their lives, then I fear there are many dark hours ahead for our people and the other nations of the world. The remedy, I feel, rests with the President and this Congress. If we fail, surely this administration can be charged with political bankruptcy. The President should lead the way. It is his greatest duty and responsibility now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The amendment was rejected.

The Clerk read as follows:

Assistance against old-age want: To carry out the provisions of the act entitled "An act to amend the Code of Laws for the District of Columbia in relation to providing assistance against old-age want," approved August 24, 1935 (49 Stat. 747), including not to exceed \$32,265 for personal services and other necessary expenses, \$489,000.

Mr. VOORHIS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. VOORHIS: On page 59, line 2, after the word "expenses", strike out "\$489,000" and insert in lieu thereof "\$705,000."

Mr. VOORHIS. Mr. Chairman, the Board of Public Welfare of the District requested on the basis of their experience—and they ought to know about it—\$751,730 for old-age

assistance in order to enable the District to carry on under the terms of the Social Security Act its old-age-assistance program. This figure was cut to \$705,000 by the Budget. The committee cut it to \$489,000. My amendment restores not all that the Board of Public Welfare asks, but restores the Budget figure. As a matter of fact, there are on an average of 110 people monthly reaching the age where they are entitled under the laws of Congress to old-age-security benefits; and there are now about 3,600 old persons on the rolls.

In a letter from the Board of Public Welfare bearing on this point, they make this statement:

The reductions in the recommended appropriations for old-age assistance and aid for the needy blind simply means either that aged and blind persons who become eligible for assistance according to act of Congress will have to be refused aid or that all grants to the aged and blind will have to be reduced below the actual needs of these people. Even with Federal grants-in-aid these recommended appropriations will be insufficient to meet the legitimate needs of the 3,500 aged persons and the 225 blind persons who we estimated would be eligible for aid in 1939.

It is evident that the Congress today is not particularly in a mood to be concerned about the needs of these people. This, however, seems to me to be a little different matter. This is a matter of persons beyond 65 years of age. Every one of us probably knows hundreds of people in this country beyond 65. If you know anybody beyond that age who is unemployed and who can get a job, you know a lot more than I do. It can be laid down definitely as a matter of fact that persons over 65 years of age, excepting those who are independently wealthy, cannot in this day and age become self-supporting.

Mr. DUNN. Mr. Chairman, will the gentleman yield?

Mr. VOORHIS. I yield.

Mr. DUNN. Is it not a fact that people beyond the age of 50 have the greatest difficulty in getting jobs?

Mr. VOORHIS. Above 45, as a matter of actual fact; and some day we are going to have to decide what we are going to do about that problem.

The immediate problem before us, however, is to help that group of citizens included in the Social Security Act. Either this amendment will be adopted or it will be necessary in the District virtually to nullify the effect of that act either by denying old-age assistance to a number of people entitled to it or by cutting down all in this area, one of the highest living-cost areas in the country, below the figure at which these people can possibly subsist.

Mr. Chairman, I yield back the balance of my time.

Mr. COLLINS. Mr. Chairman, I am sure that if my friend understood this situation he would withdraw his amendment.

It is just a plain question of mathematics. Testimony before the committee by the officials who handle this appropriation was to the effect that they are going to have 3,600 cases and that they expect to pay them \$25 per month. The estimate submitted was on the basis of \$30 per month. Twelve times \$5 is \$60 a year. Sixty dollars times 3,600 gives you the amount deducted by the committee from the estimate.

The gentleman's amendment provides that these 3,600 people shall be paid at the rate of \$360 a year, \$30 a month instead of \$25 a month. There is no use appropriating that amount because according to the testimony cited, it is not going to be spent.

Mr. VOORHIS. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I yield.

Mr. VOORHIS. I would certainly not be ashamed if my amendment did provide for the payment of \$30 a month to people over over 65. Surely that is not too much.

Mr. COLLINS. I am in entire sympathy with granting an old-age assistance allowance of an amount I am certain, if the gentleman is reasonable, that is as high as the gentleman would sponsor; but since we are going to pay these people in the District \$25 a month, since it has been testi-

fied that they will be paid no more than that, I see no reason why we should appropriate an additional sum of money when it will just stay in the Treasury. That is all there is to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California.

The question was taken; and on a division (demanded by Mr. VOORHIS) there were—ayes 11, noes 26.

So the amendment was rejected.

The Clerk read as follows:

Pensions for needy blind persons: To carry out the provisions of the act entitled "An act to provide aid for needy blind persons of the District of Columbia and authorizing appropriations therefor", approved August 24, 1935 (49 Stat. 744), \$33,250.

Mr. DUNN. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. DUNN: Page 59, line 7, strike out "\$33,250" and insert in lieu thereof "\$36,250."

Mr. DUNN. Mr. Chairman, I desire to interrogate the chairman of the Subcommittee on Appropriations. I have been informed that the Budget presented a request for \$40,000 and the Appropriations Committee reduced that sum to \$33,000.

Mr. COLLINS. In this case they estimated there would be a certain number of blind persons in the District and that they would be paid less than \$25 a month or less than \$300 a year. The committee took the figure \$300 a year and multiplied it by the total number of blind people who were going to be served, with the result that \$33,250 was the figure arrived at. In other words, in this instance, we have appropriated more money per person than they stated they would use.

Mr. DUNN. May I say to the gentleman I know something about the conditions in the District so far as the blind are concerned. The money appropriated last year, \$36,000, was insufficient to meet the needs. Even \$40,000 would not be sufficient.

Mr. COLLINS. I may say to the gentleman his sympathy for that class of people is no greater than is the sympathy of the various members of the committee. If more money is needed for the needy blind it will be very cheerfully appropriated.

Mr. DUNN. I do not ask for \$40,000, but I want it put back to \$36,000.

Mr. COLLINS. This is all that will be needed.

Mr. DUNN. No. We need a lot more money. I am asking for the same appropriation that the Congress allowed last year.

Mr. COLLINS. That was estimated on the basis of \$360 per year, and it was testified they were not going to spend as much as \$300 per year.

Mr. DUNN. May I say to the gentleman that I do not want to tell the Members of Congress anything to mislead them, but there are many blind people in the District who do not receive any security at all from this organization.

Mr. COLLINS. This will take care of every case they anticipate during the fiscal year 1939 at an amount larger than will be paid to them.

Mr. DUNN. If that is correct, why has that organization come to me and asked me to present this amendment?

Mr. COLLINS. Mr. Chairman, I will accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. DUNN].

The amendment was agreed to.

The Clerk read as follows:

Street lighting: For purchase, installation, and maintenance of public lamps, lampposts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and public spaces, part cost of maintenance of airport and airway lights necessary for operation of the air mail, and for all necessary expenses in connection therewith, including rental of storerooms, extra labor,

operation, maintenance, and repair of motortrucks, this sum to be expended in accordance with the provisions of sections 7 and 8 of the District of Columbia Appropriation Act for the fiscal year 1912 (36 Stat. 1008-1011, sec. 7), and with the provisions of the District of Columbia Appropriation Act for the fiscal year 1913 (37 Stat. 181-184, sec. 7), and other laws applicable thereto, \$765,000: *Provided*, That this appropriation shall not be available for the payment of rates for electric street lighting in excess of those authorized to be paid in the fiscal year 1927, and payment for electric current for new forms of street lighting shall not exceed 2 cents per kilowatt-hour for current consumed: *Provided, further*, That no part of this appropriation shall be available for the payment on any contract required by law to be awarded through competitive bidding, which is not awarded to the lowest responsible bidder on specifications, and such specifications shall be so drawn as to admit of fair competition.

Mr. NICHOLS. Mr. Chairman, I make a point of order against the paragraph beginning in line 21, page 68, and continuing down to and inclusive of line 19, page 69, for the reason it is legislation on an appropriation bill and contrary to existing law.

Mr. McCLELLAN. Mr. Chairman, I make the point of order there is not a quorum present.

The CHAIRMAN. The Chair will count. [After counting.] Ninety-eight Members are present, not a quorum. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 11]

Ashbrook	Daly	Knutson	Ramsay
Beam	Deen	Lamneck	Rankin
Belter	Dempsey	McGrath	Relly
Bell	Dies	McGroarty	Richards
Biermann	Ditter	McMillan	Ryan
Binderup	Drewry, Va.	McSweeney	Sabath
Boehne	Flannagan	Magnuson	Seger
Boylan, N. Y.	Flannery	Mansfield	Smith, Conn.
Buckley, N. Y.	Fleger	Mason	Smith, Maine
Burdick	Ford, Calif.	Massingale	Smith, Okla.
Cannon, Wis.	Frey, Pa.	Maverick	Snell
Carlson	Gasque	Mead	Somers, N. Y.
Carter	Gavagan	Mouton	Sweeney
Celler	Goldborough	Murdock, Utah	Swope
Champion	Harrington	Norton	Taylor, Colo.
Citron	Hartley	O'Brien, Ill.	Thurston
Clark, Idaho	Healey	O'Connell, Mont.	Treadway
Cole, Md.	Hendricks	O'Connell, R. I.	Whelchel
Colmer	Holmes	O'Connor, Mont.	White, Idaho
Cooley	Hook	O'Neal, Ky.	Wilcox
Creal	Jenkins, Ohio	O'Toole	
Culkin	Johnson, L. B.	Owen	
Crosser	Kelly, Ill.	Pfeifer	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DRIVER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the District of Columbia appropriation bill, 1939 (H. R. 9181), and finding itself without a quorum, he had directed the roll to be called, when 340 Members answered to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

Mr. NICHOLS. Mr. Chairman, my point of order was directed at the paragraph beginning on page 68, line 21, down to and inclusive of line 19 on page 69, for the reason that it is legislation on an appropriation bill, contrary to existing law, and not authorized by law.

In the interest of time, Mr. Chairman, I shall not argue this point of order at great length at this juncture. It will suffice at this time to point out to the Chair the language contained in lines 24 and 25 of page 68, and ask the Chair to remember that this paragraph proposes to charge \$765,000, the cost of street lighting in the District of Columbia, to the highway fund of the District of Columbia. Surely there can be no argument but that the following language is legislation and not authorized by existing law:

And public spaces, part cost of maintenance of airport and airway lights necessary for operation of the air mail.

This language surely is subject to the point of order, and I am sure the Chair will sustain it.

I am frank to say to the Chair it is a close question whether or not the remainder of the paragraph is subject to a point of order, and I will have more to say on that ques-

tion. However, under the rule that when a point of order is sustained against any portion of a paragraph the whole paragraph must go out, at this time I wish to address myself no further to this particular point of order.

The CHAIRMAN. Does the gentleman from Mississippi wish to be heard on the point of order?

Mr. COLLINS. Mr. Chairman, I concede that the language referred to, in lines 24 and 25, is subject to the point of order.

The CHAIRMAN. The gentleman from Mississippi concedes the point of order is well taken. All of the paragraph goes out, for if any part of the paragraph is subject to a point of order necessarily the whole paragraph must be eliminated, which will be the ruling in this particular case.

Mr. COLLINS. Mr. Chairman, I offer an amendment, which is on the Clerk's desk.

The Clerk read as follows:

Amendment offered by Mr. COLLINS: On page 68, line 20, after the period, insert a new paragraph, as follows:

"Street lighting: For purchase, installation, and maintenance of public lamps, lampposts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and for all necessary expenses in connection therewith, including rental of storerooms, extra labor, operation, maintenance, and repair of motortrucks, this sum to be expended in accordance with the provisions of existing law, \$765,000: *Provided*, That this appropriation shall not be available for the payment of rates for electric street lighting in excess of those authorized to be paid in the fiscal year 1927, and payment for electric current for new forms of street lighting shall not exceed 2 cents per kilowatt-hour for current consumed."

Mr. COLLINS. Mr. Chairman, the language that is incorporated in the amendment—

Mr. NICHOLS. Mr. Chairman, I make a point of order against the amendment.

Mr. COLLINS. Eliminates the language against which the gentleman made the point of order.

Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.

The CHAIRMAN. The gentleman from Oklahoma makes a point of order on the amendment, and the gentleman from Mississippi makes the point of order that the point of order made by the gentleman from Oklahoma comes too late.

The point of order of the gentleman from Mississippi is sustained.

Mr. NICHOLS. Mr. Chairman, if this amendment is legislation, the only rule under which my point of order could be overruled at this time would be that the amendment had been considered without point of order, and that is not the case. A point of order was directed by me against this paragraph, and the point of order was sustained. The chairman of the Subcommittee on Appropriations now simply deletes certain language he believes cures the defects which made the paragraph subject to a point of order. There is no way the Chair can test whether or not this new paragraph which has been proposed to take the place of the paragraph that has already been deleted from the bill is subject to a point of order except to hear the point of order. The gentleman from Mississippi did not even move the adoption of his amendment. I was on my feet demanding recognition of the Chair.

The CHAIRMAN. The gentleman from Oklahoma is eminently correct in saying the only way to obtain a ruling from the Chair on this particular question is through a point of order, but the Chair is absolutely bound under the practice on the question of whether or not the point of order was in order. The rule requires a point of order to be made before any debate is had in connection with an amendment that is offered. The Chair had recognized the gentleman from Mississippi to debate his amendment.

Mr. NICHOLS. If the Chair did recognize the gentleman from Mississippi I may say the Chair recognized him while I was on my feet taking the only opportunity presented to me to address the Chair, in order that I might direct my point of order to the Chair.

The CHAIRMAN. That may be true. The Chair does not care to indulge in any controversy on that question with the gentleman from Oklahoma. The Chair is merely stating what occurred. The Chair may state further to the

gentleman from Oklahoma, in deference to the situation which has developed here, that if that had been true, under the rules it would have been the duty of the Chair to have recognized a member of the committee in preference to any other Member on the floor. The Chair was acting under the limitations of the rule.

Mr. NICHOLS. I trust the Chair will indulge me for one further observation.

The CHAIRMAN. The Chair will be pleased to hear further the gentleman from Oklahoma.

Mr. NICHOLS. It was in the interest of saving time, and I so stated, Mr. Chairman, that I did not take the time of the Committee to argue this close question when I first had recognition. Certainly, my stating to the Chair I would want to argue that question after the gentleman from Mississippi had offered an amendment, as I anticipated he would, should have been notice to the Committee and to the Chair that I would be on my feet asking recognition from the Chair for the purpose of interposing a further point of order.

Mr. WOLCOTT. Mr. Chairman, I should like to be heard on the point of order.

The CHAIRMAN. Has the gentleman from Oklahoma concluded?

Mr. NICHOLS. Yes, Mr. Chairman.

The CHAIRMAN. The Chair would be pleased to hear the gentleman from Michigan.

Mr. WOLCOTT. Mr. Chairman, the rule, as I understand it, is that if any action is taken on the amendment, then the point of order is dilatory. The only action that could have been taken was recognition by the Chair of the gentleman from Mississippi to debate his amendment.

I want to call the attention of the Chair to the fact that the only manner in which the Chair can recognize a Member to be heard on this floor is to refer to the gentleman either by name or by the State from which the gentleman comes, and I call the attention of the Chair to the fact that the Chair in this particular instance did not say he recognized the gentleman from Mississippi or the gentleman [Mr. COLLINS], and for that reason there was no official proceeding and no official action taken between the time that the amendment was offered and the time the gentleman from Oklahoma made his point of order, and therefore the point of order was not dilatory.

The CHAIRMAN. The Chair desires, in all fairness, to make this statement to the Committee, as well as directly to the gentleman from Michigan. Not only was the gentleman from Mississippi recognized, but he began an explanation of his amendment, and the Chair certainly presumes that the gentleman being on the floor at the time heard that; and when that occurred, the Chair does not think the gentleman will disagree with the Chair about the fact that the Chair is required, under the rules, to rule in deference to the situation that developed. The Chair does not desire to forestall proceedings and would be pleased to hear points of order, but the Chair must act within the definition of the rule.

Mr. WOLCOTT. If the Chair will indulge me for a moment in that respect, the point I wish to make is this. The gentleman from Mississippi had no authority to address this Committee until he had been recognized by the Chair, and if the gentleman from Oklahoma made his point of order during a brief sentence by someone which had no right under the rules of this House even to be reported by the official reporter, then he cannot be estopped, under those circumstances, from making his point of order. The Chair of necessity must have recognized the gentleman from Mississippi to debate the amendment.

The offering of an amendment is not a proceeding which will estop the gentleman from Oklahoma from making his point of order. It is recognition by the Chair of another gentleman to discuss the amendment, and the gentleman could have discussed the amendment only after recognition was given.

I want respectfully to call this to the attention of the Chair in order that the Chair may correct any error which has been made or any seeming injustice to the gentleman from Oklahoma, and I respectfully submit that the Chair did not recognize the gentleman from Mississippi, and I believe the RECORD will bear this out.

Mr. FITZPATRICK. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FITZPATRICK. I understand the Chair has already ruled and has sustained the point of order made by the gentleman from Mississippi?

The CHAIRMAN. The gentleman is correct.

Mr. FITZPATRICK. Then what are we arguing?

Mr. NICHOLS. In that event, if the Chair has finally ruled, although, of course, the Chair could reverse himself if he saw fit to do so—

The CHAIRMAN. The Chair could not reverse himself in this instance.

Mr. NICHOLS. If the Chair has made a final ruling, I would, in the most respectful manner I know, request an appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Oklahoma appeals from the decision of the Chair on the ruling of the Chair on the point of order, as stated.

The question before the Committee is, Shall the ruling of the Chair stand as the judgment of the Committee?

The question was taken, and the Chair announced that the noes had it.

So the decision of the Chair does not stand as the judgment of the Committee.

The CHAIRMAN. The gentleman from Oklahoma is recognized.

Mr. NICHOLS. Mr. Chairman—

Mr. KELLER. Mr. Chairman, I demand a division.

Mr. WOLCOTT. Mr. Chairman, I make the point of order that the demand for a division comes too late.

The CHAIRMAN. The gentleman from Michigan makes the point of order that the request for a division comes too late. The Chair holds that the request for a division comes too late.

The gentleman from Oklahoma is recognized on his point of order.

Mr. NICHOLS. Mr. Chairman, I make a point of order on the amendment offered by the gentleman from Mississippi, and in support of that will say it is contrary to existing law, and wish to point out to the Chair that in the last session of this Congress the Committee on the District of Columbia, which is the legislative committee for the District of Columbia, reported from its committee, which later became law, which defined what funds collected as taxes should go into and constitute the special highway fund. Then that committee went further, and the law so provides today, and stated the things for which that special fund can be expended, and I direct the Chair's attention to the language of that law, which is found in Public, No. 314, of the Seventy-fifth Congress, and more particularly to the language contained in section 1 of title III of that act, which says, in part:

All proceeds of the taxes imposed under this act, except as otherwise provided in section 10 hereof, and all moneys collected from fees charged for the registration and titling of motor vehicles, including fees charged for the issuance of permits to operate motor vehicles, shall be deposited in a special account in the Treasury of the United States entirely to the credit of the District of Columbia, and shall be appropriated and used solely and exclusively for the following purposes:

Subsection (1):

For the construction, reconstruction, improvement, and maintenance of public highways, including the necessary administrative expenses in connection therewith.

Finally in the Chair's conclusion he is going to probably stop at the word "improvements," and say that "improvements" is broad enough to incorporate street lighting, but the committee in writing this bill, sensing that, went further in

the bill and defined "highway improvements." Of course under this act it must be admitted by everyone that they would have to be improvements to highways, so that it is necessary now to consult the definition of highways, and I quote subsection (f) of section B of section 1 of the act:

The term "highways" includes the right-of-way of streets, avenues, and roads, bridges, viaducts, underpasses—

And surely there is nothing in all of that about street lighting—

drainage structures, guard rails, signs—

And so far, Mr. Chairman, there is nothing in the definition of highways that even has any semblance of referring to street lights, and I am attempting to anticipate the ruling of the Chair. Following that it says:

and protective structures in connection with highways.

The Chair might by some stretch of the imagination say that "and protective structures" could be classed as street lights, but the Chair must be governed, in my judgment, somewhat by the interpretation of this law in order to find out whether or not existing law contemplated street lights, by those men who in the end must say whether or not any of the language contained in this provision includes street lights. The Chair will remember that under the Hayden-Cartwright Act, passed in the last session of Congress in 1926, it was provided that if funds were diverted from the highway fund, the State or the jurisdiction which permitted the diversion would be penalized by not being permitted to participate in the Federal aid for roads through the Federal Government. Anticipating that this question would come up, I addressed an inquiry to Mr. CARTWRIGHT, chairman of the Committee on Roads of the House of Representatives, and asked him his opinion of existing law and received this reply:

I appreciate your calling my attention to the proposal to use \$765,000 of gasoline and other motor-vehicle tax revenues to pay for street lighting in the District of Columbia during the next fiscal year.

Frankly, this puts me personally in somewhat of an embarrassing position. Last year I introduced a bill to permit the District of Columbia to share in Federal aid for highways and roads, and we were never able to get the bill out of committee, largely because of other proposals made at that time to divert these special tax funds to nonhighway purposes.

At your urgent request and the instance of officials and citizens of the District, I included a provision to extend Federal highway aid to the District in the general road bill, which I introduced early in this session of Congress. I did this because I had been assured that all motor vehicle tax revenues in the District would be used exclusively for highway purposes.

Congress has officially declared that diversion of gasoline and other special motor-vehicle taxes to other than highway purposes is "unfair and unjust," and the Federal Government, under the terms of an act which I introduced and sponsored in the House, penalizes any State which practices such diversion through withholding Federal aid for highways.

Now, if the Congress, by legislative act for the District of Columbia, itself makes and approves a diversion of gasoline and other motor vehicle tax revenues to a nonhighway use, as is now proposed, one of the foundation stones of our Federal aid highway legislation will be destroyed, and we will inevitably let down the gate for a veritable flood of diversion proposals in almost every State, just at the time when real progress is being made in an effort to stop all such diversions in all of the States. Such action would seriously disrupt the fair and orderly program we have under way for providing the Nation with adequate highways and roads and cause endless confusion and charges of inconsistency and insincerity on the part of Federal lawmakers. It would, in my opinion, almost certainly prevent the District from sharing in Federal highway aid. I regard this proposal as unsound and unwise and sincerely hope that it is not adopted.

The chairman of the Roads Committee in another body, a distinguished Senator, very briefly on the subject, said in reply to my inquiry:

I thank you for your kind letter of January 25 requesting my opinion as to the effect of a proposal to transfer \$765,000 from special highway funds of the District of Columbia to pay for lighting District streets during the fiscal year ending June 30, 1939.

I am not an attorney, but as the coauthor of the Hayden-Cartwright Act of June 18, 1934, it seems clear to me that such a transfer of funds would be an illegal diversion under section 12 of that act and under the act of August 17, 1937.

I may say, in passing, that it is proposed in the pending H. R. 8838, introduced by Congressman CARTWRIGHT, that the District of Columbia should be allowed to share equally with the States in the benefits of Federal aid highway legislation. You will recall that S. 978, introduced by Senator KING, is similarly drawn, and that this measure passed the Senate on April 9, 1937, and is now pending in the House Committee on Roads. On January 24 I introduced S. 3309, which embodies the provisions of both H. R. 8838 and S. 978, but I feel that I cannot conscientiously urge the passage of my measure by Congress if we are at the same time to adopt such a diversion as that to which you refer.

I went further, Mr. Chairman, and asked an opinion from the only body in the United States Government that can finally render an opinion as to whether or not paying for street lighting out of the highway funds in the District of Columbia would be diversion, and I refer to the Chief of the Bureau of Public Roads.

I read you his letter under date of January 29, 1938:

MY DEAR MR. NICHOLS: Receipt is acknowledged of your letter of January 28, calling attention to a proposed provision in H. R. 9181 for lighting the streets of the District of Columbia with funds derived from the taxes on gasoline and motor vehicles, and inquiring whether such use of funds from those sources would be regarded by this Bureau as diversion of funds to other than highway purposes within the meaning of section 12 of the Hayden-Cartwright Act of June 18, 1934.

The question of using funds derived from a tax on gasoline and from motor-vehicle license fees for street-lighting purposes has come to this Bureau previously from some of the States in connection with administration and interpretation of section 12 of the Hayden-Cartwright Act of June 18, 1934. Where the question heretofore has arisen we have consistently held that the only use of such funds for lighting purposes which would not constitute diversion would be where the highway laws of the State empowered the highway officials to include as a part of the cost of highway construction and maintenance the erection and operation of lights at points where, in the judgment of such officials, lights may be deemed necessary in the interest of safety to traffic.

Very truly yours,

THOMAS H. MACDONALD,
Chief, Bureau of Public Roads.

Mr. Chairman, going back to my statement that the Chair can hold that this is existing law only by finding that the phrase "and protective structures" includes street lighting, what is a protective structure? Mr. Chairman, a protective structure on a highway is that stone wall that is built alongside precipitous places to protect automobiles, if you please, from dashing off the side of the road. Protective structures are the curbs along the street to keep motorists from driving into the trees and other obstacles on the parking. If one calls lights protective structures, Mr. Chairman, then the very headlight on an automobile, if you please, is a protective structure. Certainly no one would argue that the light post was a protective structure. Why, it is a hazard in itself; the very post that holds the light up is a hazard. Is the glimmer of the light that shines from above a protective structure? Let me take the chairman and members down to F Street in the city of Washington. There are decorative lights along both sides of F Street throwing out some glimmer of light, but they are not necessary, they are no protection, for lights from the very stores of the city within 6 feet of them furnish ample light for the protection of pedestrians, light from the show windows, lights from the theaters, lights from the stores. If the street lights are protective structures, then we may well include in this bill an appropriation to pay for the lighting of stores along F Street, Mr. Chairman.

In conclusion, Mr. Chairman, permit me to say there can be no question, in my opinion and in the opinion of the men who make this their life study, that to pay for street lighting out of the special highway fund is contrary to existing law. If the Chair holds this to be not true, then the District of Columbia on such ruling, unless something happens subsequently to correct it, will lose \$750,000 of aid from the Federal Government.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. If the Chair please, I do.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. COLLINS. Mr. Chairman, a number of years ago the director of traffic, testifying before the District of Columbia

Subcommittee, stated that he regarded street lighting as more important to the regulation and control of traffic than he did traffic lights. He stated that at night the greatest protection to a motorist or a pedestrian was the light upon the streets that came from street lighting; so there is no doubt but what street lighting is of immense benefit not only to pedestrians but to motor-vehicle drivers as well.

With reference to the law under which this appropriation is made, let me call the attention of the Chair to the provisions of the District of Columbia Revenue Act of 1937. Section 2 of title III of that act contains this language:

For the expenses of the office of Director of Vehicles and Traffic incident to the regulation and control of traffic and the administration of same.

So there is ample authority for this committee to provide for the regulation and control of traffic; and as important as any other element in the regulation and control of traffic is street lighting which is of constant aid and benefit not only to the motorist but to the pedestrian as well.

So under the authority of that law, this appropriation, I submit, is in order.

Mr. NICHOLS. May I be indulged one moment further? Mr. Chairman, I call your particular attention to the language contained in the first proviso on page 69 which reads as follows:

Provided, That this appropriation shall not be available for the payment of rates for electric street lighting in excess of those authorized to be paid in the fiscal year 1927, and payment for electric current for new forms of street lighting shall not exceed 2 cents per kilowatt hour for current consumed.

May I point out to the Chairman that in my opinion there can be no question but what that is legislation.

Mr. COLLINS. Mr. Chairman, that is a limitation upon the amount that may be expended.

The CHAIRMAN. The Chair is ready to rule.

The gentleman from Mississippi [Mr. COLLINS] offers an amendment in the following language:

Street lighting: For purchase, installation, and maintenance of public lamps, lampposts, street designations, lanterns, and fixtures of all kinds on streets, avenues, roads, alleys, and for all necessary expenses in connection therewith, including rental of storerooms, extra labor, operation, maintenance, and repair of motortrucks, this sum to be expended in accordance with the provisions of existing law: *Provided*, That this appropriation shall not be available for the payment of rates for electric street lighting in excess of those authorized to be paid in the fiscal year 1927, and payment for electric current for new forms of street lighting shall not exceed 2 cents per kilowatt-hour for current consumed.

To this amendment the gentleman from Oklahoma [Mr. NICHOLS] directs a point of order on the ground it is not an appropriation authorized under existing law. It, therefore, becomes necessary for the Chair to look for authority in existing law to justify the amendment.

The law authorizing appropriation out of the gas-tax fund and setting forth the purposes for which appropriations may be made is found in volume 50, Part I, United States Statutes at Large, at page 677, and is as follows:

For the construction, reconstruction, improvement, and maintenance of public highways, including the necessary administrative expenses in connection therewith;

(2) For the expenses of the office of the Director of Vehicles and Traffic incident to the regulation and control of traffic and the administration of the same, and

(3) For the expenses necessarily involved in police control, regulation, and administration of traffic upon the highways.

It is rather difficult to conceive that in dealing with the subject of traffic in a city of today there should not be some differentiation from the necessities where you find the traffic dense and that which occurs on the average highway of our country. When there is provided by positive law the duty and responsibility for an agency of a city government to provide the necessary conveniences in the way of highways and streets, there necessarily is involved the question of so maintaining those avenues as to make them safe for the people who utilize the same.

The very language employed with respect to street lighting necessarily leads us to the conclusion that street lighting

is regarded as an essential feature necessary in order to establish such safeguards as would maintain these avenues and streets for the benefit, the convenience, and the facility of the people using the same.

The language in the section of the law which the Chair read that imposes a duty and responsibility upon the police force in connection with these highways necessarily presupposes that lighting is one of the necessary and essential features to the safety element in the use of the streets and, therefore, is an incident to and is necessarily included in the item of expense for streets, street improvement, and maintenance.

However, the Chair may say to the Committee that he is saved considerable trouble and the necessity of dealing thoroughly with this subject from the standpoint of reasoning by one of the precedents of the House. A similar question to the one now under consideration was raised during consideration of a District appropriation bill in the first session of the Seventy-fifth Congress, at which time the very distinguished gentleman from Tennessee [Mr. COOPER] was Chairman of the Committee of the Whole House on the state of the Union having under consideration that measure. In a very sound opinion, which will be found on page 3111 of the CONGRESSIONAL RECORD of April 2, 1937, I find this language was used by the then Chairman of the Committee:

The Chair has pointed out in ruling on a previous point of order that the so-called Gasoline Tax Act provides—

"That the proceeds of the tax, except as provided in section 840 of this title, shall be paid into the Treasury of the United States entirely to the credit of the District of Columbia and shall be available for appropriation by the Congress exclusively for road and street improvement and repair."

The Chair has consulted the dictionary and finds that the word "improvement" is there defined to be—

"An act or process of improving, as profitable employment or use, cultivation, development, enhancement, or increase; especially betterment"

And so forth. The word "improvement" appears in the so-called Gasoline Tax Act, and this word is defined in the dictionary as meaning, among other things, "especially betterment." The Chair, therefore, is of the opinion that the various functions mentioned in the language of the amendment and the various things to be provided—trees, parking, curbing, guttering, etc.—certainly are proper to be included as betterment or improvement of the streets.

The word "improvement," defined to mean "betterment," makes the word broad and general enough to include all of the various activities mentioned in this amendment. They are, therefore, authorized by existing law. For this reason the Chair feels that the amendment offered by the gentleman from Mississippi is in order.

The point of order is overruled.

The Chair feels that the decision as made by the Chairman of the Committee then, in which he construed the meaning of the law and the application of the words betterment and improvement to that law is sound reasoning, and good judgment, and should be followed in construing the present law.

The Chair is of the opinion that the provision of law pertaining to appropriations from the gas-tax fund is sufficiently broad to authorize appropriations for the purposes set out in the amendment and therefore overrules the point of order.

Mr. NICHOLS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I shall not take much more of your time. I simply want to point out to the Committee what this amendment means. If this amendment is adopted, it means the District of Columbia, by transferring this \$765,000 from the special highway fund to the general fund, will lose \$750,000 of Federal aid funds, and no one can deny it. The only man who can finally give this opinion, the opinions of the General Accounting Office to the contrary notwithstanding, is the Chief of the Bureau of Public Roads. If he says it is diversion, it is diversion, and he has already stated it is diversion.

I do not believe the members of the Committee of the Whole will want to punish the District of Columbia by telling it that it must take money out of one pocket and put it in

another pocket, and by so doing lose \$750,000, and this is exactly what will happen.

In ruling, I am sure under a misapprehension, the Chairman rather pointed his ruling to the fact this provision includes signal lights. May I say we included in the law of 1937 a provision that signal lights, the lights at the crossings which control traffic, should be paid for from the highway fund. The lighting referred to in this amendment does not refer to signal lights, but rather the lights on the curbs and in the parkings. Precedent after precedent has been laid down that such lighting cannot be paid for out of highway funds.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I am pleased to yield to the gentleman from Mississippi.

Mr. WHITTINGTON. From what funds has the cost of this lighting heretofore been paid?

Mr. NICHOLS. The general fund, and it is at this time.

Mr. WHITTINGTON. Not out of the special gasoline funds as here contemplated?

Mr. NICHOLS. No; not since the passage of the act of last year.

I may say for the information of the gentlemen that prior to last year the street lighting and some other services were being paid for from the special highway fund, and because of this, when the Hayden-Cartwright bill was written, the committee refused to include the District of Columbia in the provision allowing States to share in Federal aid, because, as the committees in each branch of the Congress stated, using these funds to pay for street lighting was diversion, and if such diversion was allowed the committees would not permit the District to share in Federal aid.

Mr. RANDOLPH. Mr. Chairman, will the gentleman yield?

Mr. NICHOLS. I yield to the gentleman from West Virginia.

Mr. RANDOLPH. The diversion of funds in the District of Columbia is but an opening wedge to a situation throughout the Nation which we should not approve.

Mr. NICHOLS. The gentleman is correct. Not only that, but if the Congress should vote to make this diversion, it would reverse itself, because the Congress has already stated to the 48 States of the United States by the passage of the Hayden-Cartwright Act that they cannot do this very thing.

Mr. Chairman, I sincerely trust the Members of the Committee will vote down this amendment.

Mr. McCLELLAN. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, the matter under consideration is of far more importance than may appear on first thought. In spite of the fact that during the past 17 years the States and the National Government have appropriated and expended \$16,000,000,000 for the construction and maintenance of highways, we all know that highway construction has not kept and is not now keeping pace with the growing demands of traffic. Diversion from highway funds or from revenues raised from sources related to highway use has increased to such proportions that it is actually threatening the future program of highway construction.

This pernicious practice first began in 1916, when approximately \$700,000 was diverted. By 1931 diversion had increased to \$24,000,000. With the coming of the depression and the heavy demands made upon State legislatures and State treasuries, larger and larger diversions were made from gasoline taxes and automobile revenues. By 1935 diversions by the several States from these funds had reached a total of \$147,000,000. In 1936 this sum had risen to \$169,000,000. Exact figures are not now available for 1937, but they show an increase over those of 1936.

During the past 7 years such diversion has amounted to more than \$874,000,000. This is the amount which can actually be identified. It is a stupendous sum. I do not know

how much more there may be that borders on diversion, or is a form of diversion of one character or another. It would run into hundreds of millions of dollars.

Let us stop for a moment and see what this diversion really amounts to. The Bureau of Public Roads tells us it costs an average of \$17,000 to build a mile of ordinary improved highway and an average of \$30,000 a mile to build highways of the highest type of construction. Taking the amount that has been diverted during the past 7 years from highway channels into other channels of Government expense, we find you could build over 51,000 miles of the former and more than 29,000 miles of the highest type of paving, which would be equal to nine national highways of the best type of construction extending from the east to the west coast, or it would build seven national highways from coast to coast, of the highest type of construction, and four such highways from the Canadian border to our southern border.

These illustrations represent the amount which has already been diverted. If diversion is continued, sooner or later it will be a dangerous menace to the highway program of this Nation. In the House Committee on Roads we are now considering another regular Federal-aid highway bill. Bear in mind we are going to undertake to appropriate funds to the States which do not divert their highway funds to other uses, as has been stated by the gentleman from Oklahoma [Mr. NICHOLS]. Under existing laws these States are now penalized. Shall we today by action on this amendment reverse the Federal Government's position and turn to diverting highway funds here in the District of Columbia, and by so doing let this Congress set a flagrant example of diversion? Let us stop it before it gets completely beyond control.

Everybody knows that street lighting properly comes under the category of police protection and not highway use. You can drive down the street on a dark night with your automobile lights on with just as much—yes, with far more—safety than you can drive down a lighted street, with the glare of lights on every corner striking you in the face, blinding you to approaching dangers. It is absurd to say these street lights are for the safety of motorists.

Mr. Chairman, we will act wisely to defeat this amendment which proposes a direct diversion of road moneys by the Federal Government, thereby doing the very thing it has and is penalizing States for doing. We as Members of Congress must be consistent. Let us vote the amendment down. [Applause.]

Mr. COLLINS. Mr. Chairman, I ask unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes.

Mr. NICHOLS. Mr. Chairman, reserving the right to object, I see the chairman of the Committee on Roads on his feet, and if the gentleman will include enough time so that the gentleman may be heard on this subject—

Mr. CARTWRIGHT. Mr. Chairman, I shall only want 2 or 3 minutes.

Mr. COLLINS. It was my intention to have the gentleman from Oklahoma proceed now, and I would take the other 5 minutes.

Mr. NICHOLS. I have no objection, Mr. Chairman.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent that all debate on this paragraph and all amendments thereto close in 10 minutes. Is there objection?

There was no objection.

Mr. CARTWRIGHT. Mr. Chairman, I merely want to add my approval of and verify the statements made by my colleague from Oklahoma [Mr. NICHOLS] and by the efficient member of the Committee on Roads, the gentleman from Arkansas [Mr. McCLELLAN].

In section 12 of the Hayden-Cartwright Act of 1934, Congress has officially declared that—

It is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways.

The use of special road-user taxes to pay for street lighting in the District of Columbia, as proposed, would be clearly a diversion to a nonhighway use, something which we ourselves have condemned as unfair and unjust, and sought to penalize the States for doing. If we thus put our stamp of approval on this indefensible practice we will lay ourselves open to charges of inconsistency and insincerity, and inevitably open the gate for a flood of diversion proposals in almost every State. We will destroy one of the foundation stones of our Federal-aid highway legislation, cause endless confusion, and great danger to the prospects for a stable and adequate road program throughout the Nation.

The amount involved in this amendment, while substantial, is, as I see it, of relatively little importance compared with the larger principle and policy involved.

In the new general road bill, H. R. 8838, which I introduced at this session and on which extensive hearings are now being held by the Roads Committee of the House, is a provision which would permit the District of Columbia to share, on the same basis as a State, in authorizations and allocations of Federal aid for highways and roads. This, to my mind, is more important to the District of Columbia than any seeming benefits of this amendment. But if this amendment is adopted there is, I think, little likelihood that the provision admitting the District to share in Federal aid for highways will be adopted.

Mr. WHITTINGTON. Mr. Chairman, will the gentleman yield?

Mr. CARTWRIGHT. I yield.

Mr. WHITTINGTON. If the Congress approves of diversion for street lamps—not for traffic lights in the middle of the street—how can the Congress be heard to disapprove of such a diversion by the 48 States of the Union as well as the Territories that participate in Federal aid?

Mr. CARTWRIGHT. The gentleman is correct, we cannot consistently disapprove something which we ourselves practice and approve, and I thank him for his contribution to my statement.

Mr. KENNEDY of Maryland. Mr. Chairman, will the gentleman yield?

Mr. CARTWRIGHT. I yield.

Mr. KENNEDY of Maryland. Is it not true it has been held by the Supreme Court that when Congress passes on matters of legislation for the District that Congress acts in the same capacity as a legislature acting for a State?

Mr. CARTWRIGHT. That is right.

Mr. COLLINS. Mr. Chairman, I want to deny emphatically that there is any diversion of funds in this instance.

When this matter was presented to the committee by the Budget Bureau, almost simultaneously we heard statements that this would be considered a diversion of public funds which would disenable the District of Columbia to receive its proportion of highway funds. So immediately the committee contacted the best authority we have in the Government service to find out what was its opinion as to the propriety of carrying this recommendation of the Budget in this bill. Accordingly a letter was addressed to the General Accounting Office, that ultimately has to pass on these questions and whose decision is final as to administrative law, asking if the incorporation of this item in the District bill would disenable the District to participate in apportionments, where it is otherwise eligible, from funds appropriated pursuant to the Highway Act. In consequence a 7-page opinion was given to the committee. It is too long to read it in full, but it emphatically denies that this is a diversion of public road funds. I will read excerpts from the letter:

In the consideration of the question presented, it becomes necessary to ascertain whether the District of Columbia is one of the "States" within the meaning of that term as used in said section 12.

Another excerpt:

The restriction in section 12 of the act of June 18, 1934, supra, is directed against States. The term "State," as used in Federal statutes, does not include the District of Columbia, Territories, or other possessions of the United States, unless the term be ex-

pressly defined to include the District of Columbia, etc., or unless such inclusion be required by necessary implication.

Then, in conclusion, we find this statement in this very excellent legal opinion:

* * * the reason for the rule prescribed in said section with reference to diversion by States does not exist with respect to uses of District of Columbia funds specifically authorized or directed by Federal statute.

Mr. MCCLELLAN. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I will not have the time to yield.

Accordingly it is my view that the provisions of section 12 of the act of June 18, 1934, supra, have no application to the District of Columbia and action by the Congress to authorize or direct the use of funds in the District of Columbia fund consisting of motor-fuel tax, registration fees, etc., for purposes other than those specifically stated in the act of April 23, 1924, as amended by the act of August 17, 1937, would not operate to disenable the District of Columbia to participate in apportionments, for which it is otherwise eligible under existing law, of Federal funds for highway construction and grade-crossing work.

This is signed by R. N. Elliott, Acting Comptroller General of the United States.

In addition to this, let me call the attention of the committee to this letter from Mr. MacDonald, which my friend from Oklahoma read to the committee. The last paragraph of that letter is as follows:

* * * which would not constitute diversion would be where the highway laws of the State empower the highway officials to include as a part of the cost of highway construction and maintenance the erection and operation of lights at points where, in the judgment of such officials, lights may be deemed necessary in the interest of safety to traffic.

Mr. NICHOLS. Mr. Chairman, will the gentleman yield?

Mr. COLLINS. I cannot yield now.

Mr. NICHOLS. I am sure the gentleman does not want to misinform the committee from my own letter.

Mr. COLLINS. I am reading the identical language, word for word, from the letter.

[Here the gavel fell.]

Mr. COLLINS. I will submit the whole letter for the RECORD.

Mr. Chairman, I ask unanimous consent to incorporate the letter in the RECORD.

The CHAIRMAN. All time has expired. The question is on the amendment.

Mr. WHITTINGTON. Mr. Chairman, I make the point of order that all time has not expired. The gentleman from Oklahoma only used 2 or 3 minutes, and 10 minutes was the time allowed; and, Mr. Chairman, if the point of order be sustained, I would like to say a word.

The CHAIRMAN. The Chair is not responsible for the failure of the gentleman from Oklahoma to use the time equally with the gentleman from Mississippi. It has been the practice, which was followed in this instance, that those who were on their feet at the time debate was limited would be recognized, and at the conclusion of their remarks debate would be closed.

Mr. COLLINS. Mr. Chairman, I ask unanimous consent to insert in the RECORD at this point the letter referred to from the Chief of the Bureau of Roads and also the opinion of the Acting Comptroller General.

The CHAIRMAN. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The letters referred to are as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF PUBLIC ROADS,
Washington, D. C., January 29, 1938.

HON. JACK NICHOLS,

Chairman, Subcommittee on Fiscal Affairs for the
District of Columbia, House of Representatives.

MY DEAR MR. NICHOLS: Receipt is acknowledged of your letter of January 28 calling attention to a proposed provision in H. R. 9181 for lighting the streets of the District of Columbia with funds derived from the taxes on gasoline and motor vehicles and inquiring whether such use of funds from those sources would be regarded by

this Bureau as diversion of the funds to other than highway purposes within the meaning of section 12 of the Hayden-Cartwright Act of June 18, 1934.

The question of using funds derived from the tax on gasoline and from motor-vehicle license fees for street-lighting purposes has come to this Bureau previously from some of the States in connection with the administration and interpretation of section 12 of the Hayden-Cartwright Act of June 18, 1934. Where the question heretofore has arisen, we have consistently held that the only use of such funds for lighting purposes which would not constitute diversion would be where the highway laws of the State empower the highway officials to include as a part of the cost of highway construction and maintenance the erection and operation of lights at points where, in the judgment of such officials, lights may be deemed necessary in the interest of safety to traffic.

Very truly yours,

THOS. H. MACDONALD, *Chief of Bureau.*

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, January 24, 1938.

Hon. ROSS A. COLLINS,

*Chairman, Subcommittee on District Appropriations,
House of Representatives.*

MY DEAR MR. CHAIRMAN: I have your letter of January 20, 1938, as follows:

"Please advise me whether, if the Congress should enact as a part of the District of Columbia Appropriation Act for the fiscal year 1939 a provision authorizing the use of funds in the gasoline-tax fund of the District of Columbia for purposes other than those expressly stated in section 1 of the act of April 23, 1924 (43 Stat. 106), as amended by the act of August 17, 1937 (Public, No. 314, 75th Cong.), the District of Columbia will be disenabled to participate in apportionments, for which it is otherwise eligible, of funds appropriated pursuant to the Federal Highway Act, as amended and supplemented, and apportionments of funds from emergency relief appropriations for highway construction and grade-crossing work. In connection with this question particular reference is made to section 12 of the Hayden-Cartwright Act of June 18, 1934 (48 Stat. 993)."

Section 1 of the act of April 23, 1924 (43 Stat. 106), providing for the collection of a tax on all motor-vehicle fuels sold within the District of Columbia, was amended by section 1 of title III of the act of August 17, 1937 (50 Stat. 676, 677), to read in pertinent part as follows:

"All proceeds of the taxes imposed under this act, except as otherwise provided in section 10 hereof, and all moneys collected from fees charged for the registration and titling of motor vehicles, including fees charged for the issuance of permits to operate motor vehicles, shall be deposited in a special account in the Treasury of the United States entirely to the credit of the District of Columbia, and shall be appropriated and used solely and exclusively for the following purposes:

"(1) For the construction, reconstruction, improvement, and maintenance of public highways, including the necessary administrative expenses in connection therewith;

"(2) For the expenses of the office of the director of vehicles and traffic incident to the regulation and control of traffic and the administration of the same; and

"(3) For the expenses necessarily involved in the police control, regulation, and administration of traffic upon the highways: *Provided, however,* That the total amount to be expended under this item shall not exceed 15 percent of the total amount appropriated for pay and allowances of officers and members of the Metropolitan Police force. For the fiscal year 1938 all moneys appropriated for the construction, reconstruction, improvement, and maintenance of highways and administrative expenses in connection therewith, all moneys appropriated for the department of vehicles and traffic, and 15 percent of all moneys appropriated for pay and allowances of officers and members of the Metropolitan Police force shall be paid from and chargeable against the fund hereby created."

Section 3 (a) (b) and (c) of title IV of the said act of August 17, 1937 (50 Stat. 681, 682), relates to the imposition and collection of registration fees upon motor vehicles operated within the District of Columbia and, with regard to the disposition of such fees, it is provided by subsection (d) of the same section as follows:

"(d) All proceeds from fees payable under this title and all moneys collected from the motor-vehicle fuel tax, and fees charged for the titling of motor vehicles, including fees charged for the issuance of permits to operate motor vehicles, shall be deposited in a special account in the Treasury of the United States entirely to the credit of the District of Columbia and shall be appropriated and used solely and exclusively for the following purposes:

"(1) For construction, reconstruction, improvement, and maintenance of public highways, including the necessary administrative expenses in connection therewith;

"(2) For the expenses of the office of the director of vehicles and traffic incident to the regulation and control of traffic and the administration of the same; and

"(3) For the expenses necessarily involved in the police control, regulation, and administration of traffic upon the highways: *Provided, however,* That the total amount to be expended under this item shall not exceed 15 percent of the total amount appropriated for pay and allowances of officers and members of the Metropolitan Police force.

"For the fiscal year 1938 all moneys appropriated for the construction, reconstruction, improvement, and maintenance of high-

ways and administrative expenses in connection therewith, all moneys appropriated for the department of vehicles and traffic, and 15 percent of all moneys appropriated for pay and allowances for officers and members of the Metropolitan Police force shall be paid from and chargeable against the fund hereby created."

The terms "highways," "construction," "reconstruction," and "maintenance," as used in the statutory provisions, supra, are defined, respectively, in section 2 (B) of the 1937 act (50 Stat. 677), as follows:

"(f) The term 'highways' includes the right-of-way of streets, avenues, and roads, bridges, viaducts, underpasses, drainage structures, guard rails, signs, signals, and protective structures in connection with highways.

"(g) The term 'construction' means the supervising, inspecting, actual building, and all expenses incidental to the construction of a highway, including the acquisition of the necessary rights-of-way.

"(h) The term 'reconstruction' means a widening or a rebuilding of the highway or any portion thereof and of sufficient width and strength to care adequately for traffic needs, including all expenses incidental to the reconstruction of a highway and the acquisition of the necessary rights-of-way.

"(i) The term 'maintenance' means the constant making of needed repairs to preserve the highway."

The statute thus makes clear the purposes for which the motor fuel tax and the registration fees may be used. Your question, therefore, is as to what effect, if any, the enactment of a provision authorizing or directing the use of a part of such fund for a purpose or purposes other than those specifically mentioned in the statute, supra, would have upon the District of Columbia with respect to any assistance to which it may be entitled under the Federal Highway Act, having in view the provisions of section 12 of the act of June 18, 1934 (48 Stat. 995), as follows:

"Since it is unfair and unjust to tax motor-vehicle transportation unless the proceeds of such taxation are applied to the construction, improvement, or maintenance of highways, after June 30, 1935, Federal aid for highway construction shall be extended only to those States that use at least the amounts now provided by law for such purposes in each State from State motor vehicle registration fees, licenses, gasoline taxes, and other special taxes on motor-vehicle owners and operators of all kinds for the construction, improvement, and maintenance of highways and administrative expenses in connection therewith, including the retirement of bonds for the payment of which such revenues have been pledged, and for no other purposes, under such regulations as the Secretary of Agriculture shall promulgate from time to time: *Provided,* That in no case shall the provisions of this section operate to deprive any State of more than one-third of the amount to which that State would be entitled under any apportionment hereafter made, for the fiscal year for which the apportionment is made."

In the consideration of the question presented, it becomes necessary to ascertain whether the District of Columbia is one of the "States" within the meaning of that term as used in said section 12.

The basic Highway Act of July 11, 1916 (39 Stat. 355), is entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes." Nowhere in said act is any express mention made of the District of Columbia as a beneficiary thereof. The act has at various times been amended and supplemented, but in none of these later acts has the District of Columbia been expressly brought under the basic provisions of the Federal Highway Act. While the District of Columbia has participated in certain Federal-aid grants for highway construction and the elimination of hazards at railroad grade crossings, such aid has not been upon the basis that the District of Columbia was constituted a beneficiary under the general provisions of the basic Federal Highway Act, but pursuant to the specific reference to the District of Columbia in the acts relating to such grants, such as the reference in section 204 (b) of the act of June 16, 1933 (48 Stat. 203), and the reference in section 8 of the act of June 16, 1936 (49 Stat. 1521).

It is particularly significant to note that while Federal road aid under the Federal Highway Act has been expressly extended to Hawaii and Puerto Rico by the act of March 10, 1924 (43 Stat. 17), and by the act of June 23, 1936 (49 Stat. 1891), respectively, no statute has been found expressly extending such aid to the District of Columbia.

The restriction in section 12 of the act of June 18, 1934, supra, is directed against "States." The term "State" as used in Federal statutes does not include the District of Columbia, Territories, or other possessions of the United States, unless the term be expressly defined to include the District of Columbia, etc., or unless such inclusion be required by necessary implication. I have been informally advised that the Secretary of Agriculture, the officer who has jurisdiction to allot funds under the Federal Highway Act, has never made an allotment of funds to the District of Columbia by virtue of the provisions of the basic Federal Highway Act. The fact that the Federal Highway Act has been expressly extended to include Hawaii and Puerto Rico, as heretofore stated, but does not appear to have been so extended to include the District of Columbia, except for specific purposes, such as in section 204 of the act of June 16, 1933, and section 8 of the act of June 16, 1936, hereinbefore mentioned, tends to show that the District of Columbia was not intended to be embraced as a beneficiary of the Federal Highway Act within the purview of the said section 12 of the

act of June 18, 1934. It is a general rule of statutory construction—expressed in the maxim, *expressio unius est exclusio alterius*—that the express mention of one person, thing, or consequence is tantamount to an express exclusion of all others. Furthermore, the reason for the rule prescribed in said section with reference to diversion by States does not exist with respect to uses of District of Columbia funds specifically authorized or directed by Federal statute.

Accordingly, it is my view that the provisions of section 12 of the act of June 18, 1934, supra, have no application to the District of Columbia, and action by the Congress to authorize or direct the use of funds in the District of Columbia fund consisting of motor-fuel tax, registration fees, etc., for purposes other than those specifically stated in the act of April 23, 1924, as amended by the act of August 17, 1937, would not operate to disenable the District of Columbia to participate in apportionments, for which it is otherwise eligible under existing law, of Federal funds for highway-construction and grade-crossing work.

Sincerely yours,

R. N. ELLIOTT,

Acting Comptroller General of the United States.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. COLLINS) there were—ayes 22, noes 69.

Mr. COLLINS. Mr. Chairman, I demand tellers.

The CHAIRMAN. The gentleman from Mississippi demands tellers. All those in favor of taking the vote by tellers will rise and stand until counted. [After counting.] Seventeen Members have risen, not a sufficient number, and tellers are refused.

So the amendment was rejected.

The Clerk read as follows:

For construction, maintenance, operation, and repair of bridges, \$80,000, of which amount \$30,000 shall be available for repairs and improvements to the Pennsylvania Avenue Bridge over the Anacostia River.

Mr. GAMBRILL of Maryland. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. GAMBRILL of Maryland: On page 74 strike out lines 9, 10, 11, and 12, both inclusive, words and figures contained therein, and substitute in lieu thereof the following:

"For construction, maintenance, operation, and repair of bridges, \$50,000; and for the construction of a bridge to replace the bridge in line of Pennsylvania Avenue over the Anacostia River in accordance with plans and profiles to be approved by the Commissioners of the District of Columbia, including construction of and changes in water and sewer mains, travel expenses in connection with the inspection of material at the point of manufacture, employment of engineering or other professional services, by contract or otherwise, and without reference to section 3709 of the Revised Statutes (41 U. S. C. 5) or the Classification Act of 1923, as amended, and engineering and incidental expenses, \$650,000; and the Commissioners are authorized to enter into contract or contracts for the completion of said bridge at a cost not to exceed \$2,000,000; in all, a total of \$700,000."

Mr. COLLINS. Mr. Chairman, I make the point of order against the amendment that it is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Maryland desire to be heard upon the point of order?

Mr. GAMBRILL of Maryland. Mr. Chairman, I am not prepared to argue the point of order beyond saying that the language I have taken from the Budget Director's recommendation, assuming that it is in order.

The CHAIRMAN. The Chair has examined the amendment offered by the gentleman from Maryland and finds among other things the following language contained in it:

And without reference to section 3709 of the Revised Statutes (41 U. S. C. 5) or the Classification Act of 1923 as amended.

This language is clearly subject to a point of order.

The point of order is sustained.

The Clerk read as follows:

For the construction of an underpass at Dupont Circle in line of Connecticut Avenue in accordance with plans and profiles to be approved by the Commissioners of the District of Columbia including necessary changes, construction, and reconstruction of roadways, sidewalks, and curbing, and construction of and changes in sewer and water mains, street and traffic lights, fire-alarm and police-patrol boxes in the vicinity of the circle, construction of and such changes in walkways, landscaping, and so forth, of the Dupont Circle Park Reservation as may be approved by the said Commissioners, travel expenses in connection with the inspection

of material at the point of manufacture, employment of engineering and other professional services, by contract or otherwise and without reference to section 3709 of the Revised Statutes (41 U. S. C. 5) or the Classification Act of 1923, as amended, and engineering and incidental expenses, \$480,000: *Provided*, That the cost of the necessary changes, removal, construction, and reconstruction of the street-railway tracks and appurtenances, to be performed by the street-railway company, including paving within the streetcar track area, shall be borne by the street-railway company owning or operating over the existing tracks: *Provided further*, That the funds herein appropriated shall be available for construction, at time of roadway paving, of suitable streetcar-loading platforms, and the street-railway company shall, at its own expense, furnish and install approved lighting equipment, signs, and so forth, in accordance with plans to be approved by the Public Utilities Commission and shall, at its own expense, operate and maintain such equipment.

Mr. PALMISANO. Mr. Chairman, I make the point of order to the proviso on page 76, line 7, down to and including the word "equipment" in line 20. It is legislation on an appropriation bill.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order.

Mr. COLLINS. Mr. Chairman, I hope the gentleman will reserve the point of order so that I can ask him a question.

Mr. PALMISANO. I reserve the point of order.

Mr. COLLINS. Mr. Chairman, the provision to which the gentleman makes the point of order imposes upon the street-railway company a part of the expense of carrying on this work, and with the elimination of the language that the gentleman seeks to eliminate it means that the cost of the whole work will be imposed upon the District of Columbia. I am certain that the gentleman does not want to do that, because the streetcar company will be benefited by this underpass.

Mr. PALMISANO. Mr. Chairman, the gentleman clearly admits that it is legislation on an appropriation bill. I am not protecting the traction company, but if we accept the argument of the gentleman from Mississippi, then the Appropriations Committee can come in here and by a provision in an appropriation bill put a tunnel under the whole District of Columbia and make the railway pay for the construction of it and so completely put that corporation out of business, because it would not be able to exist.

So if the gentleman from Mississippi and the Appropriations Committee want to consider an underpass, it seems to me it is a matter that should be reported by the Legislative Committee on the District of Columbia. The Commissioners, the traction company, and all people concerned should be heard on the question of the arrangement and location of the underpasses. If I had my way, I would have an underpass at the Union Station. I think that is the most dangerous place in the city; but the gentleman from Mississippi has picked other locations.

It seems to me this is legislation and ought to be stopped at this time.

Mr. KENNEDY of Maryland. Mr. Chairman, will the gentleman yield?

Mr. PALMISANO. I yield.

Mr. KENNEDY of Maryland. As I understand the position of my colleague from Maryland, as chairman of the Committee on the District of Columbia he is merely carrying out instructions given to him by the committee that the committee would not permit legislation on any appropriation bill. We are not finding fault with the Appropriations Committee, nor are we trying to help the traction company; we are simply saying to the Commissioners and other officials of the District of Columbia that if they want legislation they should come to the legislative committee. Is not this correct?

Mr. PALMISANO. The gentleman is correct.

Mr. COLLINS. Mr. Chairman, since the gentleman will not withdraw his point of order, it is my opinion that this language is not subject to the point of order which the gentleman has made, because the very language to which the gentleman objects is in order under the Holman rule; for it is plainly evident from a reading of the language that it is a limitation upon an appropriation as it imposes upon the street railway company its fair share of the cost of work

done in connection with the underpass. On its very face it saves money to the District of Columbia; and under that well known rule, the point of order, in my opinion, should not be sustained.

Mr. PALMISANO. But, if the Chair will permit, the gentleman himself in his report admits that it is legislation.

The CHAIRMAN. The Chair has examined carefully the language of the bill to which the point of order is directed. The Holman rule could not possibly apply in this case because the language does not retrench expenditures in one of the methods set forth in the rule, but is legislative in character and, therefore, prohibited in an appropriation bill.

The Chair sustains the point of order.

The Clerk read as follows:

For the construction of an underpass at Thomas Circle in the line of Massachusetts Avenue in accordance with plan and profile to be approved by the Commissioners of the District of Columbia, including necessary changes, construction, and reconstruction of roadways, sidewalks, and curbing, construction of and changes in sewer and water mains, street and traffic lights, fire-alarm and police-patrol boxes in the vicinity of the circle, construction of and such changes in walkways, landscaping, etc., of the Thomas Circle Park reservation as may be approved by said Commissioners, travel expenses in connection with the inspection of material at the point of manufacture, employment of engineering and other professional services by contract or otherwise and without reference to section 3709 of the Revised Statutes (U. S. C., title 41, sec. 5) or the Classification Act of 1923, as amended, and engineering and incidental expenses, \$530,000: *Provided*, That the cost of the necessary changes, removal, construction, and reconstruction of the street-railway tracks and appurtenances to be performed by the street-railway company, including paving within the streetcar track area, shall be borne by the street railway company owning or operating over the existing tracks: *Provided further*, That the funds herein appropriated shall be available for construction, at time of roadway paving, of suitable streetcar-loading platforms, and the street-railway company shall, at its own expense, furnish and install approved lighting equipment, signs, etc., in accordance with plans to be approved by the Public Utilities Commission and shall, at its own expense, operate and maintain such equipment.

Mr. PALMISANO. Mr. Chairman, I make a point of order, on the grounds alleged in the last point of order, against the language beginning on page 78 with the proviso in line 5 and ending with the word "equipment" in line 18.

The CHAIRMAN. Does the gentleman from Mississippi desire to be heard on the point of order?

Mr. COLLINS. Mr. Chairman, it is the same question that was involved in the last point of order.

The CHAIRMAN. Precisely the same question, and the same ruling will be followed.

The point of order is sustained for the reason set out in the decision of the Chair in sustaining the last point of order.

The Clerk concluded the reading of the bill.

Mr. COLLINS. Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DRIVER, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill H. R. 9181, the District of Columbia appropriation bill, 1939, directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. COLLINS. Mr. Speaker, I move the previous question on the bill and all amendments thereto to final passage.

The previous question was ordered.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. DALY, indefinitely, on account of illness.

DISTRICT OF COLUMBIA APPROPRIATION BILL, 1939

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. DIRKSEN. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. DIRKSEN. I am.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DIRKSEN moves to recommit the bill to the Committee on Appropriations with the instruction that the committee report the bill back forthwith with the following amendment: On page 57, line 19, strike out "\$900,000" and insert in lieu thereof "\$1,900,000."

Mr. COLLINS. Mr. Speaker, I move the previous question on the motion to recommit.

The previous question was ordered.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and on a division (demanded by Mr. DIRKSEN) there were—ayes 10, noes 81.

Mr. DIRKSEN. Mr. Speaker, I object to the vote on the ground there is no quorum present.

The SPEAKER. The Chair will count. [After counting.] One hundred and fifteen Members are present, not a quorum.

ADJOURNMENT

Mr. RAYBURN. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 30 minutes p. m.) the House adjourned until tomorrow, Wednesday, February 2, 1938, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON ROADS

The Committee on Roads will hold public hearings on H. R. 8838, to amend the Federal Aid Highway Act, and related proposals, on Wednesday, February 2, 1938, at 10 a. m.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Committee on Interstate and Foreign Commerce at 10 a. m. Wednesday, February 2, 1938. Business to be considered: Continuation of hearings on S. 69—train lengths. Railroad interests will be heard.

COMMITTEE ON MERCHANT MARINE AND FISHERIES

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Wednesday, February 2, 1938, at 10 a. m., on H. R. 8344, a bill relating to the salmon fishery of Alaska.

The Committee on Merchant Marine and Fisheries will hold a public hearing in room 219, House Office Building, Washington, D. C., Wednesday, February 23, 1938, at 10 a. m., on the following bills:

H. R. 8595, relating to vessels engaged in whaling;
H. R. 8627, relating to inspection of fishing vessels; and
H. R. 8778, relating to vessels engaged in the coasting trade and fisheries; H. R. 8906, same subject.

COMMITTEE ON NAVAL AFFAIRS

The full Committee on Naval Affairs, House of Representatives, will hold a meeting Wednesday, February 2, 1938, at 10:30 a. m., for the consideration of the building program for the Navy. Very important.

COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS

There will be a meeting of the Committee on Public Buildings and Grounds at 10:15 a. m. Wednesday, February 2, 1938, to resume hearings on H. R. 9016, Washington Airport bill. Caucus room, House Office Building.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

There will be a meeting of the Committee on Immigration and Naturalization at 10:30 a. m. Wednesday, February 2,

1938, in room 445, House Office Building, for the public consideration of H. R. 7780.

COMMITTEE ON CLAIMS

A special subcommittee of the Committee on Claims will reconsider at an open meeting at 2 p. m. Wednesday, February 2, 1938, in room 327, House Office Building, the following claims which were objected to in the House on May 4 and June 1, 1937, and recommitted to the committee, for the purpose of determining whether they merit inclusion in an omnibus bill:

H. R. 733. For the relief of George E. Titter (by Mr. GOLDSBOROUGH).

H. R. 736. For the relief of Mallery Toy (by Mr. GOLDSBOROUGH).

H. R. 841. For the relief of Ida A. Gunderson (by Mr. WHITE of Idaho).

H. R. 858. For the relief of the estate of Dr. David O. Clemens (by Mr. BLAND).

H. R. 1861. For the relief of Schmidt, Garden & Martin (by Mr. McANDREWS).

H. R. 2149. For the relief of Capt. Guy L. Hartman (by Mr. PETERSON of Florida).

H. R. 3115. For the relief of Sachs Mercantile Co. (by Mr. SOMERS of New York).

H. R. 3655. For the relief of Clarence D. Schiffman (by Mr. RAMSPECK).

H. R. 4830. For the relief of Mrs. D. O. Benson (by Mr. RAMSPECK).

H. R. 5450. For the relief of William C. Reese (by Mr. PATRICK).

S. 1307. For the relief of W. F. Lueders (by Senator SHEPARD).

COMMITTEE ON THE POST OFFICE AND POST ROADS

A meeting of subcommittee No. 10 of the House Committee on the Post Office and Post Roads will be held Thursday morning, February 3, 1938, at 10 a. m., to consider Postal Service matters relative to conditions complained of on floor of House when Post Office appropriation bill was under consideration.

COMMITTEE ON PATENTS

The Committee on Patents will hold public hearings February 7, 8, 9, 10, and 11, 1938, in the caucus room of the House Office Building at 10 a. m. each morning on House Joint Resolution 79, providing for the establishment of a Department of Science, Art, and Literature.

COMMITTEE ON THE JUDICIARY

There will be a hearing before subcommittee No. 3 of the Committee on the Judiciary at 10:30 a. m. Wednesday, February 16, 1938, in the committee room, 346 House Office Building, on the bill H. R. 8339, providing for the repeal of section 7 of the act entitled "An act to provide for the diversification of employment of Federal prisoners, for their training and schooling in trades and occupations, and for other purposes," approved May 27, 1930.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1054. A letter from the Archivist of the United States, transmitting the accompanying lists of papers, consisting of 217 items, among the archives and records of the Department of the Navy which the Department has recommended should be destroyed or otherwise disposed of; to the Committee on the Disposition of Executive Papers.

1055. A communication from the President of the United States, transmitting a supplemental estimate of appropriation for the Treasury Department for the fiscal year 1938, amounting to \$110,700, together with drafts of proposed provisions pertaining to existing appropriations (H. Doc. No. 513); to the Committee on Appropriations and ordered to be printed.

1056. A letter from the Secretary of War, transmitting the draft of proposed legislation to amend section 30 of the

National Defense Act of June 8, 1916, as amended, for the consideration of the Congress with a view to its enactment into law; to the Committee on Military Affairs.

1057. A letter from the president, Board of Commissioners of the District of Columbia, transmitting the draft of a proposed bill entitled "An act providing for the zoning of the District of Columbia and the regulation of the location, height, bulk, and uses of buildings and other structures, and of the uses of land in the District of Columbia, and for other purposes"; to the Committee on the District of Columbia.

1058. A letter from the president, Washington Railway & Electric Co., transmitting the report of the Washington Railway & Electric Co. for the year ended December 31, 1937; to the Committee on the District of Columbia.

1059. A letter from the Administrator, United States Housing Authority, transmitting a copy of the interim report of the United States Housing Authority (H. Doc. No. 514); to the Committee on Banking and Currency and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. McREYNOLDS: Committee on Foreign Affairs. House Joint Resolution 567. Joint resolution to authorize and request the President of the United States to invite the International Seed Testing Association to hold its ninth congress in the United States in 1940 and to invite foreign countries to participate in that congress; and also to provide for participation by the United States in that congress; without amendment (Rept. No. 1753). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII,

Mr. BEITER: Committee on War Claims. H. R. 9284. A bill for the relief of sundry claimants, and for other purposes; without amendment (Rept. No. 1752). Referred to the Committee of the Whole House.

ADVERSE REPORTS

Under clause 2 of rule XIII,

Mr. McREYNOLDS: Committee on Foreign Affairs. House Resolution 409. Resolution requesting the President of the United States to furnish certain information, if not incompatible with the public interest, regarding the economic, civil, or religious rights of the Jews in Rumania (Rept. No. 1751). Laid on the table.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. GASQUE: A bill (H. R. 9285) granting a pension to widows and dependent children of World War veterans; to the Committee on Pensions.

By Mr. KELLER: A bill (H. R. 9286) to extend the time for completing the construction of a bridge across the Ohio River at or near Cairo, Ill.; to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9287) to authorize the Cairo Bridge Commission, or the successors of said commission, to acquire by purchase, and to improve, maintain, and operate a toll bridge across the Mississippi River at or near Cairo, Ill.; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Washington: A bill (H. R. 9288) to authorize a preliminary examination and survey of lands below and contiguous to Vancouver Lake area in Clark County, Wash., with a view to providing flood protection for lowlands along Columbia River between Whipple Creek and mouth of Lake and/or Lewis Rivers; to the Committee on Flood Control.

Also, a bill (H. R. 9289) to authorize a preliminary examination and survey of Willapa River in Pacific County, Wash.,

with a view to providing flood protection for the Willapa River Valley; to the Committee on Flood Control.

By Mr. HILDEBRANDT: A bill (H. R. 9290) to provide for the classification of star routes, the employment and compensation of star-route mail carriers, and for other purposes; to the Committee on the Post Office and Post Roads.

By Mr. KOPPLEMAN: A bill (H. R. 9291) to provide for the creation of an Intermediate Credit Corporation for commerce and industry, to aid in financing small and medium-sized commercial and industrial establishments, and for other purposes; to the Committee on Banking and Currency.

By Mr. GIFFORD: Resolution (H. Res. 413) ordering the Comptroller General to report certain expenditures and other information to the House of Representatives; to the Committee on Expenditures in the Executive Departments.

By Mr. SMITH of Virginia: Resolution (H. Res. 414) for the relief of Sophia Drewry; to the Committee on Accounts.

By Mr. DINGELL: Joint resolution (H. J. Res. 583) authorizing the issuance of a special postage stamp in honor of Gen. Wladimir Krzyzanowski; to the Committee on the Post Office and Post Roads.

By Mr. SCOTT: Joint resolution (H. J. Res. 584) to prohibit the exportation of arms, ammunition, and implements of war from the United States to Germany and Italy; to the Committee on Foreign Affairs.

By Mr. WITHROW: Joint resolution (H. J. Res. 585) to protect against profiteering in arms, ammunition, and implements of war; to the Committee on Military Affairs.

By Mr. COLLINS: Joint resolution (H. J. Res. 586) authorizing the President of the United States to proclaim the first week in June 1938 Gen. Sam Dale's memorial week for the observance and commemoration of the death of Gen. Sam Dale; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BLAND: A bill (H. R. 9292) for the relief of Frederick Northup; to the Committee on Ways and Means.

By Mr. BUCKLER of Minnesota: A bill (H. R. 9293) for the relief of Mrs. C. G. Eidnes; to the Committee on Claims.

By Mr. DEMPSEY: A bill (H. R. 9294) for the relief of the Fulwiler Motor Co.; to the Committee on Claims.

By Mr. GAMBRILL of Maryland: A bill (H. R. 9295) conferring jurisdiction upon the Court of Claims of the United States to hear, examine, adjudicate, and render judgment on the claim of the legal representative of the estate of Rexford M. Smith; to the Committee on Claims.

By Mr. GWYNNE: A bill (H. R. 9296) granting a pension to Ada M. Huffman; to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 9297) for the relief of Dr. Samuel A. Riddick; to the Committee on Claims.

By Mr. McGEHEE: A bill (H. R. 9298) for the relief of George D. McElwee; to the Committee on Claims.

By Mr. MAAS: A bill (H. R. 9299) for the relief of Henry J. Wise; to the Committee on Claims.

By Mr. MOTT: A bill (H. R. 9300) for the relief of Mina Rust; to the Committee on Claims.

By Mr. RICH: A bill (H. R. 9301) for the relief of the West Branch Bank & Trust Co. of Williamsport, Pa., executors of the estate of James Walton Bowman; to the Committee on Claims.

By Mr. RIGNEY: A bill (H. R. 9302) granting a pension to Grace A. Good; to the Committee on Invalid Pensions.

By Mr. WENE: A bill (H. R. 9303) for the relief of Walter C. Holmes; to the Committee on Claims.

Also, a bill (H. R. 9304) for the relief of Harry Thomas; to the Committee on Claims.

By Mr. WHITE of Idaho: A bill (H. R. 9305) directing the payment to William H. Carter of travel allowances from

Manila, P. I., to San Francisco, Calif.; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3924. By Mr. BOYLAN of New York: Letter from the Allied Printing Trades Council of Greater New York, N. Y., urging the Joint Committee on Printing to take no action which would remove from the Government Printing Office any work now being done by the printing-trades workers employed in the Government Printing Office; to the Committee on Printing.

3925. Also, resolution adopted by the Military Order of the Purple Heart, Department of New York, providing that the Military Order of the Purple Heart be given the recognition that it so rightly deserves under Senate bill 1516, etc.; to the Committee on the Judiciary.

3926. By Mr. COLDEN: Resolution adopted by the Labor's Non-Partisan League of California, Los Angeles, Calif., protesting against organized opposition to labor organizations, and appealing to the President of the United States and the Civil Liberties Committee of the United States Senate to institute an investigation of such antiunion activities; to the Committee on Labor.

3927. Also, resolution adopted by the board of supervisors of the county of Los Angeles, State of California, recommending legislation empowering the Forest Service to use certain revenues for purchase of privately owned lands needed for proper management and protection of the watershed areas; to the Committee on Public Buildings and Grounds.

3928. Also, resolution adopted by the American Legion, seventeenth district, Department of California, urging the strengthening and strict enforcement of the navigation and immigration laws, and the appointment of additional inspectors and staff in the local offices for the purpose of more efficient enforcement; to the Committee on Immigration and Naturalization.

3929. Also, resolution adopted by the seventeenth district of the American Legion, Department of California, on the 21st day of January 1938, urging favorable action on Senate bill 25 and House bill 6704, known as the Universal Draft Act; to the Committee on Military Affairs.

3930. By Mr. LAMNECK: Petition of Frank E. Noyes, secretary, Ohio Bakers Association, and 700 citizens of Columbus, Ohio, protesting against new processing taxes on wheat; to the Committee on Ways and Means.

3931. By Mr. O'NEILL of New Jersey: Petition of Crane & MacMahon, Inc., concerning family corporations tax; to the Committee on Ways and Means.

3932. Also, petition of the New Jersey conference, A. A. A., automobile clubs, concerning the gasoline tax; to the Committee on Ways and Means.

3933. Also, petition of the department of agriculture, State of New Jersey, protesting against the cut in appropriation for Bang's disease program; to the Committee on Appropriations.

3934. Also, petition of Bernard Hember, East Orange, N. J., protesting against any legislation to reorganize utility companies; to the Committee on the Judiciary.

3935. Also, petition of the Chamber of Commerce of the city of Newark proposing amendments to the Social Security Act; to the Committee on Ways and Means.

3936. By Mr. RICH: Petition of citizens of McKean County, Pa., favoring the Neely-Pettengill bill (S. 153 and H. R. 1669); to the Committee on Interstate and Foreign Commerce.

3937. By the SPEAKER: Petition of the Regular Veterans Association, Washington, D. C., petitioning consideration of their resolution passed by the Abraham Lincoln Post, No. 52, with reference to pay of enlisted men; to the Committee on Military Affairs.